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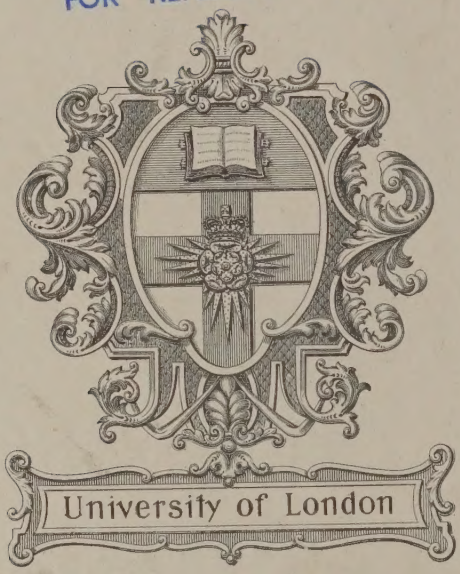

REPORT

FROM THE

SELECT COMMITTEE

ON

PUBLIC HOUSES, &c.;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

APPENDIX, AND INDEX.

Ordered, by The House of Commons, *to be Printed,*
2 *August* 1853.

Martis, 12° *die Aprilis*, 1853.

SELECT COMMITTEE appointed to examine into the System under which PUBLIC HOUSES, HOTELS, BEER-SHOPS, DANCING SALOONS, COFFEE-HOUSES, THEATRES, TEMPERANCE HOTELS, and Places of Public Entertainment, by whatever name they may be called, are sanctioned, and are now regulated, with a view of reporting to this House whether any Alteration or Amendment of the Law can be made for the better preservation of Public Morals, the Protection of the Revenue, and for the proper Accommodation of the Public.

Lunæ, 18° *die Aprilis*, 1853.

Select Committee nominated,—

Mr. William Brown.
Mr. Fitzroy.
The Earl of March.
Sir George Grey.
Mr. Charles Villiers.
Sir John Pakington.
Mr. Beckett.
Mr. Barrow.
Sir George Goodman.
Mr. Gregson.
Lord Dudley Stuart.
Mr. Forster.
Mr. Packe.
Lord Ernest Bruce.
Mr. Deedes.

Ordered, THAT the Committee have power to send for Persons, Papers, and Records.

Ordered, THAT Five be the Quorum of the Committee.

Jovis, 5° *die Maii*, 1853.

Ordered, THAT Mr. Deedes be discharged from further attendance on the Committee, and that Mr. Ker Seymer and Mr. John Lewis Ricardo be added thereto.

Jovis, 9° *die Junii*, 1853.

Ordered, THAT Mr. Fitzroy be discharged from further attendance on the Committee, and that Mr. Lowe be added thereto.

Veneris, 24° *die Junii*, 1853.

Ordered, THAT Mr. Beckett be discharged from further attendance on the Committee, and that Mr. Sotheron be added thereto.

Jovis, 21° *die Julii*, 1853.

Ordered, THAT the Order, "That Five be the Quorum of the Committee," be read, and discharged; and that Three be the Quorum of the Committee.

Martis, 2° *die Augusti*, 1853.

Ordered, THAT the Committee have power to Report the Minutes of Evidence taken before them, to The House.

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REPORT.

THE SELECT COMMITTEE appointed to examine into the System under which PUBLIC HOUSES, HOTELS, BEER-SHOPS, DANCING SALOONS, COFFEE-HOUSES, THEATRES, TEMPERANCE HOTELS, and Places of Public Entertainment, by whatever Name they may be called, are sanctioned and are now regulated, with a view of reporting to this House whether any Alteration or Amendment of the Law can be made for the better Preservation of Public Morals, the Protection of the Revenue, and for the proper Accommodation of the Public; and to whom several PETITIONS were referred; and who were empowered to report the MINUTES of EVIDENCE taken before them to The HOUSE,—

HAVE made progress in the Inquiry to them referred, and have agreed to report the Minutes of Evidence taken before them to The House, and to recommend the re-appointment of a Committee in the next Session for the purpose of pursuing the Inquiry.

2 *August* 1853.

PROCEEDINGS OF THE COMMITTEE.

Jovis, 28° *die Aprilis*, 1853.

MEMBERS PRESENT:

Mr. Brown.	Earl of March.
Mr. C. Villiers.	Sir G. Goodman.
Mr. Fitzroy.	Mr. Gregson.
Sir J. Pakington.	Mr. Barrow.

Mr. CHARLES VILLIERS called to the Chair.

[Adjourned till Monday, at One o'clock.

Lunæ, 2° *die Maii*, 1853.

MEMBERS PRESENT:

Mr. C. VILLIERS, in the Chair.

Earl of March.	Lord Ernest Bruce.
Mr. Fitzroy.	Lord Dudley Stuart.
Sir George Grey.	Sir G. Goodman.
Mr. Brown.	Mr. Packe.
Mr. Gregson.	Sir John Pakington.

Colonel *Mayne*, examined.

[Adjourned till Friday, at One o'clock.

Veneris, 6° *die Maii*, 1853.

MEMBERS PRESENT:

MR. C. VILLIERS, in the Chair.

Earl of March.	Sir G. Goodman.
Mr. Brown.	Mr. Gregson.
Mr. Barrow.	Mr. Fitzroy.
Sir George Grey.	Lord Dudley Stuart.

Mr. *John Wood*, examined.

[Adjourned to Monday next, at One o'clock.

Lunæ, 9° *die Maii*, 1853.

MEMBERS PRESENT:

Mr. C. VILLIERS, in the Chair.

Mr. Brown.	Mr. Gregson.
Sir. G. Goodman.	Lord Dudley Stuart.
Earl of March.	Sir J. Pakington.
Mr. Fitzroy.	

Mr. *John Wyburgh*, examined.

[Adjourned till Friday, at One o'clock.

Veneris, 13° *die Maii*, 1853.

MEMBERS PRESENT:

Mr. C. Villiers, in the Chair.

Mr. Brown.	Mr. Fitzroy.
Sir George Grey.	Sir J. Pakington.
Sir G. Goodman.	Lord Dudley Stuart.
Mr. Gregson.	

Mr. *Robertson Gladstone*, Mr. *Thomas W. Brown*, examined.

[Adjourned to Monday, 23d May, at One o'clock.

Lunæ, 23° *die Maii*, 1853.

MEMBERS PRESENT:

Mr. C. Villiers, in the Chair.

Mr. Brown.	Sir G. Grey.
Mr. Gregson.	Mr. Ker Seymer.
Mr. Fitzroy.	Lord Ernest Bruce.
Sir G. Goodman.	Sir J. Pakington.

Mr. *Charles Turner*, Mr. *James Butler*, Mr. *Richard Webb*, Mr. *Samuel Saunders*, examined.

[Adjourned to Friday, at One o'clock.

Veneris, 27° *die Maii*, 1853.

MEMBERS PRESENT:

Mr. C. Villiers, in the Chair.

Sir George Grey.	Lord Dudley Stuart.
Mr. W. Brown.	Mr. Gregson.
Sir G. Goodman.	Mr. Barrow.
Lord Ernest Bruce.	

Mr. *Nathaniel Palmer* and Mr. *Oswald Fordham*, examined.

[Adjourned till Monday, at One o'clock.

Lunæ, 30° *die Maii*, 1853.

MEMBERS PRESENT:

Mr. C. Villiers, in the Chair.

Mr. Gregson.	Sir George Grey.
Mr. Brown.	Sir George Goodman.
Lord Dudley Stuart.	Mr. Fitzroy.
Mr. Barrow.	

Mr. *Joseph Grose*, Mr. *Charles Kitto*, Mr. *Charles Jones*, Mr. *Frederick Derby*, and *Alfred Walker*, examined.

[Adjourned to Friday, at One o'clock.

Veneris, 3° *die Junii*, 1853.

MEMBERS PRESENT:

Mr. C. VILLIERS, in the Chair.

Mr. Brown.	Mr. Gregson.
Mr. Fitzroy.	Lord E. Bruce.
Sir George Grey.	Lord Dudley Stuart.
Sir John Pakington.	Mr. Barrow.
Sir George Goodman.	

Mr. *James Bancroft*, Mr. *Henry Croft*, and Sir *Elkanah Armitage*, examined.

[Adjourned to Monday, at Twelve o'clock.

Lunæ, 6° *die Junii*, 1853.

MEMBERS PRESENT:

Mr. C. VILLIERS, in the Chair.

Sir John Pakington.	Sir George Grey.
Mr. Gregson.	Mr. Fitzroy.
Mr. W. Brown.	Lord Dudley Stuart.
Sir George Goodman.	Lord Ernest Bruce.

The room was cleared.

Motion made (Sir *John Pakington*), "That this Committee cannot, with justice or propriety, receive criminatory evidence from persons who have been disappointed, and consider themselves aggrieved by the conduct which they impute; and that any such evidence which has been already admitted be expunged. That whenever criminatory evidence is given before this Committee, a copy of such evidence be, as soon as possible, forwarded to the persons affected by it, with an intimation that they may, if they desire it, be heard in their defence." Amendment proposed (Sir *George Grey*), "To leave out all the words after the word 'That,' in order to add the words following: 'it having been already understood that if any of the evidence received by the Committee should impugn the conduct of any person, a copy of such evidence shall be forwarded to the person affected by it, in order that he may have an opportunity of answering it. This Committee will reserve for future consideration the question of the propriety of reporting such evidence, or any portion of it, to The House." Question, "That the words proposed to be left out stand part of the question," put, and negatived.

Words added.

Question, as amended, put and agreed to.

Mr. *Henry Croft* further examined; Mr. *John Pargeter*, Mr. *John Wybey*, and Mr. Alderman *Wire*, examined.

[Adjourned till Friday, at One o'clock.

Veneris, 10° *die Junii*, 1853.

MEMBERS PRESENT:

Mr. C. VILLIERS, in the Chair.

Mr. Brown.	Sir G. Goodman.
Mr. Barrow.	Mr. Gregson.
Mr. Ker Seymer.	Lord D. Stuart.
Mr. Lowe.	

Mr. *Richard Spooner*, M.P., Mr. *Edwin Ward Scadding*, Dr. *Hudson*, examined.

[Adjourned till Monday next, at One o'clock.

Lunæ, 13° *die Junii*, 1853.

MEMBERS PRESENT:

Mr. C. Villiers, in the Chair.

Mr. Barrow.	Sir George Grey.
Lord E. Bruce.	Mr. Gregson.
Mr. Ker Seymer.	Sir G. Goodman.
Mr. Brown.	Lord Dudley Stuart.

Dr. *James William Hudson*, Rev. *Francis Bishop*, Mr. *James Bishop*, and Mr. *Thomas Harwood*, examined.

[Adjourned till Friday, at One o'clock.

Veneris, 17° *die Junii*, 1853.

MEMBERS PRESENT:

Mr. C. Villiers, in the Chair.

Mr. Brown.	Mr. Gregson.
Sir George Grey.	Lord Dudley Stuart.
Mr. Barrow.	Mr. Lowe.
Lord Ernest Bruce.	Sir G. Goodman.

Mr. *George Wolstenholme* and Mr. *Henry Dawson*, examined.

[Adjourned till Monday, at One o'clock.

Lunæ, 20° *die Junii*, 1853.

MEMBERS PRESENT:

Mr. C. Villiers, in the Chair.

Mr. W. Brown.	Sir G. Grey.
Sir G. Goodman.	Mr. Ker Seymer.
Mr. Gregson.	Sir John Pakington.

Mr. *George Ridley* and Mr. Alderman *Wire*, examined.

[Adjourned till Friday, at One o'clock.

Veneris, 24° *die Junii*, 1853.

MEMBERS PRESENT:

Mr. C. Villiers, in the Chair.

Sir George Grey.	Mr. Gregson.
Mr. Brown.	Lord E. Bruce.
Mr. Ker Seymer.	Lord Dudley Stuart.
Sir John Pakington.	Mr. Lowe.

The Rev. *Francis Bishop*, examined.

Adjourned till Monday, at One o'clock.

Lunæ, 27° *die Junii*, 1853.

MEMBERS PRESENT:

Mr. C. Villiers, in the Chair.

Sir George Grey.	Sir J. Pakington.
Mr. W. Brown.	Mr. Sotheron.
Mr. Gregson.	

Mr. *Robert Hanbury*, Mr. *William Partridge*, and Mr. *Robert Tubbs*, examined.

[Adjourned till Friday, at One o'clock.

Veneris, 1° *die Julii*, 1853.

MEMBERS PRESENT:

Mr. C. Villiers in the Chair.

Mr. Brown.	Lord E. Bruce.
Mr. Barrow.	Lord D. Stuart.
Sir George Grey.	Mr. Gregson.
Sir George Goodman.	Sir J. Pakington.
Mr. Sotheron.	

The Rev. *John Clay*, examined.

[Adjourned till Monday next, at One o'clock.

Lunæ, 4° *die Julii*, 1853.

MEMBERS PRESENT:

Mr. C. Villiers, in the Chair.

Mr. Gregson.	Mr. Barrow.
Mr. W. Brown.	Sir George Grey.
Lord D. Stuart.	Mr. Ker Seymer.
Sir George Goodman.	

Mr. *William France*, Mr. *William Henry Haines*, Colonel *Hogg*, examined.

[Adjourned till Friday, at One o'clock.

Veneris, 8° *die Julii*, 1853.

MEMBERS PRESENT:

Mr. C. Villiers, in the Chair.

Mr. W. Brown.	Mr. Ker Seymer.
Sir George Grey.	Lord E. Bruce.
Mr. Barrow.	Lord D. Stuart.
Sir George Goodman.	Mr. Gregson.
Sir John Pakington.	

Mr. *William Harris*, Mr. *Robert Tubbs*, Mr. *Henry Pownall*, examined.

[Adjourned till Monday, at One o'clock.

Lunæ, 11° *die Julii*, 1853.

MEMBERS PRESENT:

Mr. C. Villiers, in the Chair.

Mr. Brown.	Sir J. Pakington.
Mr. Gregson.	Sir G. Goodman.
Mr. Barrow.	Mr. Ker Seymer.

Mr. *George Grey*, Captain *Roberts*, examined.

[Adjourned till Friday, at One o'clock.

Veneris, 15° *die Julii*, 1853.

MEMBERS PRESENT:

Mr. C. VILLIERS, in the Chair.

Mr. Barrow.	Sir G. Grey.
Mr. Lowe.	Lord E. Bruce.
Sir G. Goodman.	Lord Dudley Stuart.

Mr. *Norman M'Donnell*, Mr. Serjeant *Adams*, Mr. *Henry Smith*, Admiral *Hope*, Mr. *James Steed*, and Mr. *Richard A. Stevens*, examined.

[Adjourned till Monday, at One o'clock.

Lunæ, 18° *die Julii*, 1853.

MEMBERS PRESENT:

Mr. C. VILLIERS, in the Chair.

Mr. Gregson.	Mr. Ker Seymer.
Sir G. Goodman.	Sir J. Pakington.
Mr. Brown.	

Mr. *Henry M. Kemshead* and Sir *Peckham Micklethwaite*, examined; Mr. *John Pargeter* further examined; Mr. *Thomas Beck* and Mr. *Thomas Warlters*, examined.

[Adjourned till Friday, at One o'clock.

Veneris, 22° *die Julii*, 1853.

MEMBERS PRESENT:

Mr. C. VILLIERS, in the Chair.

Mr. Barrow.	Lord Ernest Bruce.
Mr. Ker Seymer.	Mr. Lowe.
Sir George Goodman.	Mr. Gregson.
Mr. Brown.	Lord Dudley Stuart.

Honourable *Frederick Byng* and Mr. *D. W. Harvey*, examined.

[Adjourned till Monday, at One o'clock.

Lunæ, 25° *die Julii*, 1853.

MEMBERS PRESENT:

Hon. C. VILLIERS, in the Chair.

Mr. Gregson.	Mr. Ker Seymer.
Mr. Brown.	Lord Dudley Stuart.
Sir G. Goodman.	Lord Ernest Bruce.

Mr. *James Mather* and Mr. *Henry Ashley*, examined.

[Adjourned till Friday, at One o'clock.

Veneris, 29° die Julii, 1853.

MEMBERS PRESENT:

Mr. C. Villiers, in the Chair.

Mr. Brown.	Sir George Goodman.
Mr. Barrow.	Mr. Gregson.
Lord Ernest Bruce.	

Mr. Alderman *Humphery*, examined.

Mr. *George Ridley*, Mr. Alderman *Wire*, further examined.

[Adjourned till Monday, at One o'clock.

Lunæ, 1° die Augusti, 1853.

MEMBERS PRESENT:

Mr. C. Villiers, in the Chair.

Mr. W. Brown.	Sir G. Goodman.
Mr. Gregson.	Mr. Lowe.
Mr. Barrow.	Lord Dudley Stuart.

Resolved, That the Committee do apply for leave to report the Minutes of Evidence taken before them to The House, and recommend the re-appointment of the Committee next Session.

Report accordingly drawn up, and agreed to.

Ordered to report.

EXPENSES OF WITNESSES.

NAME of WITNESS.	By what Member of Committee Motion made for Attendance of the Witness.	Date of Arrival.	Date of Discharge.	Total Number of Days in London.	Number of Days under Examination by Committee, or acting specially under their Orders.	Expenses of Journey to London and back.	Expenses in London.	TOTAL Expenses allowed to Witness.
						£. s. d.	£. s. d.	£. s. d.
John Wyburgh	Chairman	9 May	10 May	2	2	4 4 –	2 2 –	6 6 –
Nathaniel Palmer	„	27 –	28 –	2	2	3 3 –	2 2 –	5 5 –
James Bancroft	„	3 June	4 June	2	2	2 15 6	1 1 –	3 16 6
Henry Croft	„	3 –	6 –	4	4	1 – 9	3 – –	4 – 9
John Pargeter	„	6 –	6 –	1	1	– 7 –	- - -	– 7 –
Francis Bishop	„	24 –	25 –	2	2	2 10 –	2 2 –	4 12 –
Rev. John Clay	„	30 –	2 July	3	3	5 – –	3 3 –	8 3 –
Colonel Hogg	„	30 –	5 –	6	6	3 – –	6 6 –	9 6 –
William Harris	„	8 July	9 –	2	2	1 14 –	2 2 –	3 16 –
Richard Stevens	„	15 –	16 –	2	2	2 4 –	2 2 –	4 6 –
							£.	49 18 3

MINUTES OF EVIDENCE.

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MINUTES OF EVIDENCE.

Lunæ, 2° *die Maii*, 1853.

MEMBERS PRESENT.

Mr. C. Villiers.	Sir John Pakington.
Mr. Brown.	Lord Dudley Stuart.
Earl of March.	Mr. Packe.
Sir George Grey.	Mr. Gregson.
Mr. Fitzroy.	Sir G. Goodman.
Lord Ernest Bruce.	

THE RIGHT HON. C. P. VILLIERS, IN THE CHAIR.

Sir *Richard Mayne*, K.C.B.; Examined.

Sir *R. Mayne*, K. C. B.

2 May 1853.

1. *Chairman.*] I BELIEVE you are Chief Commissioner of the Metropolitan Police?—I am.

2. You were appointed before the year 1830?—Yes; at the establishment of the Police in July 1829.

3. You gave evidence upon the subject of this inquiry before a Committee of the House of Lords three years ago?—I did, in the year 1849.

4. Have you referred to that evidence since?—I have just now, since I have received the summons of the Committee.

5. You were asked there, and you stated in your answers, what the state of the law was as it affected the beer-houses, and also the licensed victuallers' houses; you have stated the law accurately, and referred to the different Acts of Parliament correctly?—Yes, I believe so.

6. Can you state whether there have been any subsequent Acts affecting the sale of beer in public-houses?—None since then.

7. The last was the 11th and 12th Vict., c. 49?—Yes; that related to beer-shops only, not to public-houses.

8. There has been no Act since the 9 Geo. 4, c. 61, affecting public-houses?—I think none. There is one Act by which a power has been given to the police to visit public-houses as well as beershops.

9. Will you state what that Act is?—4 & 5 Will. 4, c. 85, s. 7.

10. In reply to a question put to you in the Committee of the House of Lords, you stated the distinctions that existed between beerhouses and public-houses as far as regards the obtaining of licences?—I did.

11. Substantially the difference is, that the beerhouse keeper obtains his licence by an application to the Excise, accompanied by a certificate of six ratepayers in his district that he is of good character, and by the payment of an annual sum, while the licensed victualler receives his licence from the magistrates, and is granted at the discretion of the magistrates?—Yes; the Excise licence being then consequent upon the granting of the licence by the magistrate.

12. The licence of the licensed victualler's house is procured from the magistrates first, and then the Excise licence is granted?—Yes, the Excise Commissioners or the Inland Revenue Commissioners are restricted from granting a licence to sell spirits, unless upon the approval of the magistrates, which is called the licence by the magistrates, granted under 9 Geo. 4, c. 61, Schedule (C.).

Sir *R. Mayne*, K. C. B.

2 May 1853.

13. Besides the distinction as to the mode of procuring the licences, the two classes of house are distinguished as to the liquors they sell?—Yes.

14. The one is empowered to sell beer and ale only; the other is authorised to sell spirituous liquors as well?—Yes, which constitutes the difference between the licensed victualler and the beer-shop keeper.

15. With respect to the Excise, there is no discretion exercised as to the character of the applicant?—No.

16. And no discretion is exercised by the Excise with respect to licensed victuallers, after the licensed victualler has procured his licence from the magistrates?—None; the Excise licence is granted upon the granting of the licence by the magistrates; in the case of a beershop keeper there is no previous licence by the magistrates.

17. Sir *G. Grey.*] You mean that the Excise licence is granted in both cases; but that it is granted in the one case upon the production of the certificate of six householders, and that in the other case it is granted only where there has been a licence granted by the magistrates?—Yes, which gives the magistrates the power of withholding the licence of the licensed victualler.

18. *Chairman.*] The fact is that the licensed victualler merely gets his licence at the discretion of the magistrates?—Yes.

19. Those houses are subject to the jurisdiction of the police?—They are subject to being visited by the police to enforce the existing law.

20. And the police have the same power of visiting both classes of houses?—Yes, they have the same power of visiting; the laws applicable to the two classes of houses are different.

21. You have the power of seeing whether the law is enforced which regulates both those classes of houses?—Yes.

22. But the law affecting the two classes of houses is different?—It is.

23. Will you state what is the difference with respect to the law affecting the two classes of houses subsequently to their obtaining a licence?—The general provisions of the law are that the licensed victualler is bound to maintain good order. There are various offences contrary to the tenor of his licence. There shall be no sort of disorder, no drunkenness, or assemblage of disorderly persons, no gaming, or sale of adulterated liquors, &c. The beershop keeper is obliged to close at specified hours. In other respects I think the breaches of law which they are liable to commit are pretty nearly the same.

24. In the case of the licensed victualler, are the offences which are contrary to the tenor of the licence specified in the licence?—Several are.

25. Mr. *Fitzroy.*] Are the police authorised to enter a licensed victualler's house unless they are called in by the landlord?—Yes, at any time when the police require admittance.

26. *Chairman.*] Is it to the licence that the police refer when they enter the house to satisfy themselves as to the manner in which it is conducted?—It is under the general Act, 9 Geo. 4, c. 61, and the right to enter is by 4 & 5 Will. 4, c. 85.

27. What the publican has to observe is good order according to the tenor of his licence?—Yes, but there are various other offences also.

28. But the police have to ascertain whether he does, in the first place, maintain good order according to the tenor of his licence?—That is the general power. And under the Police Act, 2 & 3 Vict. c. 47, there are enactments likewise against the harbouring of prostitutes or other disorderly characters.

29. Are those offences that would not be included in the tenor of the licence?—They are specific offences distinct from those in the licence. There are many offences specified, and there are others which are not specified, which would be considered by the magistrates contrary to the tenor of the licence.

30. Can you state distinctly what are the offences of which a publican can be guilty in the conduct of his house, and which would lead to the forfeiture of his licence?—The licence which is given in Schedule (C.) empowers the party to sell by retail "all such excisable liquors as he shall be licensed and empowered to sell under the authority and permission of any Excise licence, and to permit all such liquors to be drunk or consumed in his house or in the premises thereunto belonging, provided that he do not fraudulently dilute or adulterate the same, or sell the same knowing them to have been fraudulently diluted or adulterated, and do not use in the selling thereof any weights

weights or measures that are not of the legal standard, and do not wilfully or knowingly permit drunkenness or other disorderly conduct in his house or premises, and do not knowingly suffer any unlawful games or any gaming whatsoever therein, and do not knowingly permit or suffer persons of notoriously bad character to assemble and meet together therein, and do not keep open his house except for the reception of travellers, nor permit or suffer any beer or other excisable liquor to be conveyed from or out of his premises during the usual hours of the morning and afternoon Divine service in the church or chapel of the parish or place in which his house is situated on Sundays, Christmas Day, or Good Friday, but to maintain good order and rule therein." Those are the words to which I before referred; in addition to the specified offences, those general words give an extensive power.

31. Will you now state what power the police have to enter those houses and to ascertain whether they are conducted according to the tenor of the licence?—The police have power to demand admittance at any time into a publican's house, and to observe whether there is any offence being committed at the time; that power is most useful to prevent Sunday trading, as it is called.

32. Is this a general or a local Act, applied to the metropolitan district?—It is a general Act, 4 & 5 Will. 4, c. 85, s. 7; there is a similar power given also by 11 & 12 Vict. c. 49, s. 5.

33. Can the police enter at any time of the night?—At any time; of course subject to the restriction that it would be improper to enter unless there was some reason to suppose that there was an offence or disorder committed at the time.

34. Are the houses obliged to be closed at any particular hour?—Only on a Saturday night, and the night before Good Friday and Christmas Day; they are required to be closed at 12 o'clock those nights, and not to open till one o'clock of the following day, Sundays, Good Friday, and Christmas Day.

35. Will you state to the Committee what is the practice of the police with respect to enforcing the powers which they possess of entering those houses and reporting upon offences?—The practice is that at any time when they think there is any offence being committed or disorder going on, they demand admittance, and go in and see what is going on, and if there is any offence being committed, they summon the party; and they summon him if he refuses to admit them, as he frequently does.

36. Do they act under any general order?—There is a general order in conformity with the law, and that this power shall not be vexatiously enforced; that they shall not go in to disturb the publican and people in the house when they have not reason to suppose that there is an offence committed.

37. It is part of their duty to watch those licensed victuallers' houses?—Yes, undoubtedly, and a very important and laborious part of their duty.

38. And to enter them at any time when they have reason to suppose that they are infringing the law?—Yes.

39. What is the practice of the police with respect to reporting upon those offences when they are committed?—Every case is reported by the constable or officer, of whatever class, who notices it, to the Commissioner; to myself almost always; the circumstances are stated, and upon that I desire a summons to be taken out before a magistrate.

40. You direct a summons to be taken out against the publican to appear before the magistrate?—Yes. The principal objects of that are, first, to ensure that the case shall not be omitted; and, secondly, that after the direction is given, there shall be no opportunity to compromise between the constable or the police officer and the publican. The case is entered in the record of the police office, and the result is stated when the case is decided by the magistrate.

41. In the metropolitan district, the magistrate is a stipendiary magistrate?—Not always. In a considerable portion of the district country magistrates act. The metropolitan police district includes the whole of Middlesex, and parts of Kent, Hertfordshire, Surrey, and Essex, as far as about 16 miles from Charing Cross.

42. The magistrate hears the case and adjudicates upon it?—Yes.

43. And he attaches the penalties provided by law, according to the nature of the offence?—The magistrate decides the case and fixes the penalty.

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44. What are the penalties; are they pecuniary fines, or are they withdrawing the licence?—There is a power to adjudge the licence forfeited by 3 & 4 Vict. c. 61, s. 17, and 9 Geo. 4, c. 61, s. 21, on conviction by a jury for a third offence; but I do not think I have ever known a case in which it was enforced.

45. You say they have the power of suspending the licence; does that mean that they would close the house at once?—Yes; they withhold the licence, and it would be illegal to sell.

46. When you say "suspend," does that imply suspension for some time, allowing the man after a time to recover his licence?—In 9 Geo. 4, c. 61, it is enacted in clause 21, "that every person licensed under this Act, who shall be convicted before two justices, acting in and for the division or place in which shall be situate the house kept or theretofore kept by such person, of any offence against the tenor of the licence to him granted, shall, unless proof be adduced to the satisfaction of such justices, that such person had been theretofore convicted before two justices, within the space of the three years next preceding, of some offence against the tenor of the licence subsisting at the time when such last mentioned offence was committed, be adjudged by such justices to be guilty of a first offence against the provisions of this Act, relative to the maintenance of good order and rule, and to forfeit and pay any sum not exceeding 5 *l.*, together with the costs of the conviction; but if proof shall be adduced to the satisfaction of such justices, that such person had been previously convicted before two justices, within the space of the three years next preceding, of one offence only against the tenor of the licence subsisting at the time when such last-mentioned offence was committed, such person shall be adjudged by such justices to be guilty of a second offence against the provisions of this Act as aforesaid, and to forfeit and pay any sum not exceeding 10 *l.*, together with the costs of the conviction; but if proof shall be adduced to the satisfaction of such justices, that such person had been previously convicted before two justices, within the space of the three years next preceding, of two separate offences against the tenor of the licences subsisting at the times when such last mentioned offences were committed, it shall be lawful for the said justices, and they are hereby required, to adjourn the further consideration of the charge so made against such person as aforesaid, to the special session to be then next holden under this Act, for the division or place in which shall be situate the house kept by such person, or to the general annual licensing meeting for the said division or place, if such meeting shall take place before any such special session shall be holden; and such justices shall issue their summons to the person so charged to appear at such special session, or at such general annual licensing meeting, then and there to answer to the matter of such charge, and shall bind the person who shall make such charge, and any other person who shall have any knowledge of the circumstances thereof, in a sufficient recognizance, to appear at such special session, or at such general annual licensing meeting, then and there to prosecute and to give evidence upon such charge; and if proof shall be adduced to the satisfaction of the justices assembled at such special session, or at such general annual licensing meeting, that such person so charged is guilty of the offence with which he is so charged, such person shall be adjudged to be guilty of a third offence against the provisions of this Act as aforesaid, and to forfeit and pay any sum not exceeding fifty pounds, together with the costs of the conviction." Or, should either the justices think proper, or the defendant demand it, there is a provision for trial by jury, and if the jury find him guilty, the justices are required to adjudge him guilty of a third offence, and such verdict and adjudication shall be final to all intents and purposes: "and to punish such offender by fine not exceeding the sum of 100 *l.*, or to adjudge the licence granted to and held by or on behalf of such offender to be forfeited and void, or to punish such offender by such fine as aforesaid, and to adjudge such licence to be forfeited and void."

47. Then there is no provision in that Act of Parliament for withdrawing the licence except after conviction of a third offence?—No; and in case of beer-shop keepers by 3 & 4 Vict. c. 61, s. 7, 10, and 17.

48. Sir *G. Grey.*] As the licences are only given for a year, in the case of misconduct the magistrates might refuse to renew the licence at the annual licensing

licensing day?—Yes; that is the most efficient control over a publican, the fear of the renewal of his licence being refused at the expiration of the year.

49. Mr. *Fitzroy.*] He can appeal to the quarter sessions against that?—Yes.

50. *Chairman.*] Is there any other case in which a publican can forfeit his licence?—I think not, except on conviction by a jury for a third offence by 9 Geo. 4, c. 61, s. 21.

51. He must offend three times, and then by law his licence might be forfeited, or the magistrates may refuse to renew it at the annual meeting for renewing licences?—Yes, I believe that during the year the only mode in which the licence can be forfeited is, by a conviction of a third offence.

52. Have the magistrates full discretion as to renewing the licence, or must there be some offence proved, or some conviction proved to justify the refusal?—I believe it is wholly discretionary.

53. You mean that they have the arbitrary power of refusing to any man the renewal of his licence?—Yes; subject to their sense of duty.

54. With a power to the publican to appeal against the decision?—He may appeal to the court of quarter sessions, as provided by 9 Geo. 4, c. 61, s. 27. In the ninth section of 9 Geo. 4, c. 61, it is said, "That when (at any of the meetings aforesaid,)" that is, for granting licences, "any question touching the granting, withholding, or transferring any licence, or the fitness of the person applying for such licence, or of the house intended to be kept by such person, shall arise, such question shall be determined by the majority of justices not disqualified who shall be present when such questions shall arise; and every licence granted under the authority of this Act shall be signed by the majority of the justices not disqualified who shall be present when such licence shall be granted." The first clause of this Act gives the power of granting licences. It enacts, that in every division in every county, &c, "there shall be annually holden a special session of the justices of the peace (to be called the general annual licensing meeting), for the purpose of granting licences to persons keeping, or being about to keep, inns, alehouses, and victualling-houses, to sell exciseable liquors by retail to be drunk or consumed on the premises therein specified, and that such meeting shall be holden in the counties of Middlesex and Surrey within the first 10 days of the month of March; and in every other county, on some day between the 20th day of August and the 14th of September inclusive; and that it shall be lawful for the justices acting in and for such county or place assembled at such meeting, or at any adjournment thereof, and not as hereinafter disqualified from acting, to grant licences for the purposes aforesaid to such persons as they the said justices shall, in the execution of the powers herein contained, and in the exercise of their discretion, deem fit and proper."

55. But with respect to renewal, is the renewal of the licence a matter of course, unless there has been certain misconduct in the house, or a previous conviction of some offence contrary to the tenor of the licence?—That is a matter of practice with the justices. I believe the practice within the police district is this: that before each licensing day, the clerk of the licensing justices sends to me a list of the persons who apply for licences to be transferred, and requests to know whether those persons have been convicted of any offences, or whether there is anything to be stated against them, or against any other publican, by the police.

56. There are justices called the licensing justices?—Yes; the justices that attend for the purpose upon the day in question, called the General Annual Licencing Meeting, 9 Geo. 4, c. 61, s. 1.

57. Their clerk has previously sent to you for any information that you can afford them with respect to the character of the houses?—Yes; it is applied for at the request of the licensing magistrates.

58. Sir *G. Grey.*] There is no exclusion of any magistrates from the exercise of that jurisdiction except of those magistrates who are disqualified by law from acting in consequence of their carrying on particular trades?—There is no exclusion except of those who are legally disqualified by the 6th section, brewers, distillers, &c.

59. *Chairman.*] The practice is, that you furnish information to the licensing magistrates as to the conduct of the licensed victuallers' houses within your jurisdiction?—

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jurisdiction?—Yes; the police reports state first all convictions, and then where there are not convictions they state cases of complaint made from the neighbourhood, such as that the neighbourhood is greatly disturbed at nights; for instance, sometimes publicans keep their houses open at late hours, and have singing and noise going on which disturbs the neighbourhood.

60. But there has been no inquiry as to the truth of the complaint?—Yes; from the parties who make the complaint; they state, "We are disturbed nightly by such and such proceedings in this public-house."

61. And the particulars of those complaints are forwarded to the magistrates?—Yes; and if the publican dispute it, the police call witnesses; persons living near, who have made the complaint.

62. And that extends to every public-house within the metropolitan district?—Yes.

63. Sir *J. Pakington.*] Practically, do you find that the licences are frequently withheld in the metropolitan districts by the magistrates, upon the ground of those complaints?—Sometimes; I do not know that I should say frequently; there are several I think every year. One class of complaints which is frequently made by the inhabitants in the neighbourhood against publicans' houses is, of their having music to a late hour, which is not punishable by summary conviction, and therefore the police do not interfere; but the licensing justices frequently say, "This is contrary to the law;" and they either suspend the licence for a time, or caution the landlord. It is the general duty of the police to interfere only in cases where they have power to summon a party before a magistrate in a case in which the party may be summarily convicted; but where the proceeding is by indictment, it is not the general duty of the police to interfere; as for instance, in the case I mentioned of having music without licence, it is illegal; but it is to be enforced by indictment, or by action, and therefore the police do not interfere, except by reporting the complaint so made by the neighbourhood.

64. *Chairman.*] If a complaint is made by the inhabitants of a neighbourhood, is it lodged with the police?—It is. The practice is for the police to give notice to the publican, that such a complaint is made. It is reported to me, and if there has not been a former conviction, if it is a first offence, and one committed by inadvertence, I frequently write upon it merely "Caution them, but not summon them." But if it is a serious offence, or a repetition, the police summon them.

65. Mr. *Brown.*] What is the reason that, if the landlord of a public-house applies to a police officer to come into his house when disorderly people are in the house, and he cannot get them out, the police officer often refuses to do so?—The constable would go in whenever there is any offence committed which would authorise his interfering to take the party into custody. But a publican frequently says that there is a great disturbance, that is to say, people are behaving improperly in the house, and he says, "Come in and clear my house." The police refuse to do so. If the publican made a charge against any particular person or persons, the police would take them into custody, provided the publican would come to prefer a charge; but the publican says, "I make no charge, but I want you to come in and clear my house." The police say, "We have no authority to do so." I may add that, in some cases, where the police have incautiously done so, actions have been brought against them, the landlord refusing to make any complaint against the party whom they had taken into custody, and it consequently appearing that the police had interfered without any justifiable cause.

66. Sir *G. Grey.*] Because there was no breach of the law, nor any alleged breach of the law committed?—No breach of the law within the knowledge of the police. The breach of the law alleged by the publican would not suffice to prove it.

67. *Chairman.*] Will you state what power the police have of entering beerhouses, and what control they exercise over those houses?—The authority as to beerhouses is the same as that as to licensed victuallers. They can demand admittance to any beershop at any time, by 4 & 5 Will. 4, c. 85, s. 7.

68. A beershop is bound to be closed at a certain hour at night, and it constitutes an offence if it is kept open after that hour?—Yes; and one important part of the duty of the police is to see that the shop doors are closed,

closed, and that there are not persons inside drinking when they ought not; and when they have reason to suppose that that is the case, they require admittance, and summon the party if they find persons there. That is very frequently the case between twelve o'clock on Saturday night and one o'clock on Sunday.

69. That would be an offence also in a licensed victualler's house?—Yes.

70. Beerhouses are closed as well as licensed victuallers on Saturday night?—Yes, by 2 & 3 Vict. c 47, s. 42.

71. What is the hour of the night on other days in the week at which beerhouses are required to be closed?—It varies in particular districts. The beershops are obliged to close at certain hours fixed by 3 & 4 Vict. c. 61, s. 15. It is generally at 12 o'clock in the police district. In some country parts it is at 11, and in other places at 10 o'clock.

72. Is there anything specified in the licence which the beershop-keeper procures from the Excise which indicates the mode in which he is to manage his house?—The form of the licence is given in the Schedule of 4 & 5 Will. 4., c. 85., and various offences stated.

73. Are the offences specified in the licensed victualler's licence, also provided for by law with respect to a beerhouse; namely, gaming, adulteration of liquor, harbouring bad characters, &c.?—They are; and by 1 Will. 4, c. 64, s. 13, it is enacted, "that every seller of beer, ale, and porter by retail, having a licence under the provisions of this Act, who shall permit any person or persons to be guilty of drunkenness or disorderly conduct in the house or premises mentioned in such licence, shall for every such offence forfeit the respective sums therein stated; and every person who shall in any way transgress or neglect, or shall be a party in transgressing or neglecting the conditions and provisions specified in such licence, or shall allow such conditions or provisions to be in any way transgressed or neglected, in the house or premises so licensed, shall be deemed guilty of disorderly conduct," and then certain penalties are enacted.

74. Is that the same with respect to beerhouses as it is with respect to public-houses?—It is generally the same; but there are not those general offences "contrary to the tenor of the licence," which are in the Publicans' Act, 9 Geo. 4, c. 61, s. 21.

75. Does the absence of those words admit of greater latitude of conduct on the part of the persons that keep those beerhouses, and does it limit the power of the police to interfere with them?—It does in some measure.

76. Have you a copy of a beerhouse licence?—It is in the Act. By the 3 & 4 Vict. c. 61, s. 15, it is enacted, "That no person licensed to sell beer or cider by retail under the said recited Acts, or this Act, shall have or keep his house open for the sale of beer or cider, nor shall sell or retail beer or cider, nor shall suffer any beer or cider to be drunk or consumed in or at such house at any time before the hour of five of the clock in the morning nor after twelve of the clock at night of any day of the week in the cities of London or Westminster, or within the boundaries of any of the boroughs of Marylebone, Finsbury, the Tower Hamlets, Lambeth, or Southwark, as defined by an Act passed in the second and third years of His late Majesty King William the Fourth, intituled, 'An Act to settle and describe the Divisions of Counties, and the Limits of Cities and Boroughs in England and Wales, in so far as respects the Election of Members to serve in Parliament,' nor after eleven of the clock within any parish or place within the bills of mortality, or within any city, cinque port, town corporate, parish, or place, the population of which, according to the last Parliamentary census, shall exceed 2,500, or within one mile, to be measured as aforesaid, from any polling-place used at the last election for any town having the like population and returning a Member or Members to Parliament, nor after ten of the clock in the evening elsewhere."

77. With respect to licensed victuallers' houses, if the licence is withdrawn can the house be licensed again?—That is entirely at the discretion of the magistrates.

78. It may affect the property or the person, according to the discretion of the magistrates?—The licence is granted to a particular person to exercise his trade in a particular house; and then for the transfer of that, either to another

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person or to another house, the magistrates must approve of the transfer of the licence.

79. What is practically the effect of withdrawing the licence; when the magistrates see reason to withhold the renewal of the licence, do they allow any other person to get a licence for the same house?—They may do so.

80. Mr. *Brown.*] Is it not invariably the practice to do so in country districts; if a man behaves himself improperly in a licensed house, and is removed or fined, may not the owner of that house place another individual in it as a matter of course?—I think that is entirely discretionary with the magistrates; I know that when the publican has said, I do not ask for the renewal of the licence to myself (after he has been convicted of misconduct), but such a person is about to take the house, the magistrates often grant the licence to the new person, it may be upon a transfer, or it may be upon a fresh licence being granted.

81. Sir *J. Pakington.*] The licence in such cases is entirely a personal righ ; and the question whether or not the same house shall become, subsequently to the withdrawal of the licence, a public-house, is simply a matter of convenience to the neighbourhood?—Quite so. When the licence is granted the party cannot exercise his trade in any place, but he must exercise it in a particular place.

82. *Chairman.*] When a licence is taken away from any particular person for mismanagement of the house, does that disqualify the house from being occupied as a public-house by another person?—Not if a fresh licence is granted.

83. However great a nuisance it might be to the neighbourhood to have a public-house there, still the licence might be granted to another person?—I believe that is altogether discretionary with the magistrates.

84. Mr. *Brown.*] In point of fact, the owner of the house has no monopoly of the licence unless the magistrates choose?—No.

85. *Chairman.*] With respect to a beerhouse, there is power, after a second or third conviction, to prevent any beer being sold upon those premises?—The Act 1 Will. 4, c. 64, s. 13, provides, that "it shall be lawful for the justices, before whom any such conviction for such third offence shall take place, to adjudge, if they shall so think fit, that such offender shall be disqualified from selling beer by retail for the space of two years next ensuing such conviction; and also, if they shall so think fit, to adjudge that no beer shall be sold by retail by any person in the house or premises mentioned in the licence of such offender." And in a subsequent part of the same section, on a second "such offence" (selling adulterated beer), such offender shall be adjudged to be disqualified from selling beer, &c. for two years, or to forfeit not less than 20 *l.* or more than 50 *l.*, at the discretion of the justices; by 3 & 4 Vict. c. 61, s. 7., the licence to sell beer, &c. becomes void on conviction of the party for felony, or selling spirits without licence, and the party disqualified for ever from obtaining a licence to sell beer and cider; sect. 17 of the same Act (3 & 4 Vict. c. 61), enacts that no licence shall be forfeited unless so adjudged by the magistrates on conviction.

86. Sir *G. Grey.*] Is there any power in such a case absolutely to shut up the beerhouse upon a third conviction for an offence specified in the Act?—Yes.

87. May not that offence be suffering persons to be guilty of drunkenness or disorderly conduct in the house?—Yes; in that case there is a power to suspend the licence for the house for two years.

88. *Chairman.*] That is discretionary on the part of the magistrates?—Yes.

89. Do you give the same directions to the police to inquire into the conduct of those beerhouses, as you do with respect to licensed victuallers' houses?—The same directions; that they shall visit them whenever they have any reason to suppose that an offence is committed, and report the facts. Upon the facts I decide whether a summons shall be taken. If it be a slight offence, "Caution them;" but if it be not, "Summon them at once."

90. They are subject to the same jurisdiction of two justices of the peace, or a police magistrate?—Yes, every case is brought before a magistrate for adjudication, whether against a publican or a licensed beershop-keeper.

91. Have

91. Have they the power of imposing penalties upon those licensed beer-house-keepers?—Yes, the magistrates have.

92. Do the beershop-keepers apply annually for licences at the Excise?—They are licensed annually.

93. Upon the payment of a sum?—Yes.

94. Is there any inquiry by the Excise, similar to that which takes place at the licensing day, when the renewal of a publican's licence is applied for, as to the conduct of those beerhouses?—I believe not only the certificate which is required by law, signed by a certain number of householders, and the certificate required by 3 & 4 Vict. c. 61, s. 2, of the rent of the house, and that the applicant is the real owner, are produced.

95. Do they produce this certificate each year upon the application for the annual licence?—I think so; the 1st of Will. 4, c. 64, s. 7, says, "That it shall be lawful for any person so licensed to take out a fresh retail licence for the selling beer by retail before the expiration of any former retail licence, and so from year to year, and if any person not being duly licensed to sell beer, as the keeper of a common inn, alehouse, or victualling house, shall sell any beer by retail without having an Excise retail licence in force authorising such persons so to do, or after the expiration of any such licence, or without renewing such licence in manner aforesaid, or in any house or place not specified in such licence, or if any such person so licensed shall deal in or retail any wine or spirits, every such person so offending shall for every such offence forfeit and lose the sum of 20 *l.*"

96. He makes an annual application?—Yes.

97. Does he pay an annual sum, or is it one sum paid once for all?—It is an annual sum.

98. Is there any provision by law requiring him to produce a certificate of good conduct upon his applying to the Excise for the renewal of his licence?—In certain places, for instance, in London and Westminster no certificate is required. In the Act 4 & 5 Will. 4, c. 85, s. 21, it is said, "Provided always, that such certificate shall not be required as to any house situated within the cities of London and Westminster, or within any parish or place within the bills of mortality, nor within any city or town corporate, nor within the distance of one mile from the place used at the last election as the place of election or polling place of any town returning a Member or Members to Parliament; provided that the population to be determined according to the last Parliamentary census shall have been taken in such city, town corporate, or town returning a Member or Members to Parliament, shall exceed 5,000. Provided always, that no licence for the sale of beer, ale, porter, cider, or perry by retail on the premises, in the cities of London and Westminster, or in any parish or place within the bills of mortality, or in any such city or town corporate, or town returning a Member or Members to Parliament as hereinbefore mentioned, shall be granted from and after the 5th day of April 1836, unless the house or premises required to be specified as the house or premises in which beer or cider is intended to be sold shall be of the value of 10 *l.* per annum." By 3 & 4 Vict., c. 61, s. 1, the value is altered to 15 *l.*, 11 *l.*, and 8 *l.*, according to the place the house is in, as stated in that Act.

99. You direct the police to inquire into the manner in which those houses are conducted, and you receive their reports, and you also receive complaints, as you do of public-houses?—Yes.

100. You stated that with respect to the licensed victuallers' houses, you forward those complaints to the licensing magistrates previously to the annual licensing meeting; do you do that with respect to the beerhouses, or are complaints lodged against them either with the Excise or with any other authority?—No, I am not aware that any authority has power to deal with them; but the discretionary power which the magistrates possess with respect to public-houses enables them to suspend or to warn licensed victuallers, and very usefully so often.

101. Is there a power to suspend?—It amounts to a suspension in this way: they adjourn the decision to a future day, desire them to apply again, and then they decide upon the case.

102. Upon complaints made of beerhouses, have the magistrates the power of suspending the licence granted by the Excise?—They can adjudge the licence to be forfeited.

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103. Upon what evidence do they do that?—Upon conviction for certain offences, by sect. 17 of 3 & 4 Vict. c. 61.

104. Have they the discretion of imposing a fine, or of suspending the licence, or is it directed by the Act that the licence shall be suspended in particular cases?—I do not remember any power to suspend the licence.

105. Is there not, in the 1st of Will. 4, c. 64, s. 13, a power of suspending the licence on a conviction for a third offence?—That is the provision to which I referred before, by which the party is disqualified from selling beer for two years: also, by 3 & 4 Vict. c. 61, s. 10, the licence becomes void on conviction for having or selling wine, spirits or sweets, and by sect. 7, on conviction for felony; it is very seldom exercised.

106. When you have reported to the magistrates the conduct of the public-houses, does it come to your knowledge what the magistrates actually do with the cases?—Yes; on every case the decision of the magistrate is reported to me.

107. You say it is very rarely that they exercise this power of suspending an Excise licence held by a beerhouse-keeper?—Yes. I have here a Return for the year 1852 of the public-houses and beershops summoned, stating the numbers "convicted" and "dismissed;" but there is no case in which it is stated that any licence has been suspended.

108. What is there to prevent a man, who has been convicted before the magistrates, getting his beerhouse licence again from the Excise?—I believe nothing.

109. There is no duty imposed, either upon the magistrates or upon the Commissioners of Police, to make any report to the Excise of the fact?—Certainly not upon the police; and I believe not upon the magistrates.

110. The Excise have no interest in making the inquiry, and it is not part of their duty to question whether the party applying for a licence is disqualified for receiving one by his previous conduct?—I apprehend not. I apprehend a licence would be granted as a matter of course, upon the conditions of the law being complied with.

111. If the person who issues that licence at the Excise Office was to hear that the beershop-keeper who applied for a licence had been convicted, would he feel bound to refuse the licence?—I believe they have no power to refuse it.

112. What is the form of adjudication by which a magistrate disqualifies the beerhouse-keeper from having a licence in future?—I am not able to state that; the magistrate's clerk would state it.

113. There is no direction that that adjudication shall be forwarded to the Excise Office?—By 3 & 4 Vict. c. 61, s. 17, notice is to be forwarded by the magistrates to the Commissioners of Excise, or collector of Excise.

114. Can you say whether, practically, that provision in the Act has produced any effect upon the conduct of beerhouses, by exciting a fear of losing the licence?—I do not think it has much practical effect, if any.

115. That is the opinion of the police who know the character of those persons, that they do not conduct those houses under any fear of being deprived of their licence?—I think it is.

116. Your opinion is, that a licensed victualler does more or less act under the fear of having his licence withheld?—Certainly. I know the opinion of some of the superintendents is, that it is the most effectual control upon the publican, more than any conviction. It is a far more serious punishment if his licence is refused or withheld.

117. You alluded to some returns; are those returns of complaints and convictions that have been made in the year 1852, both of beerhouses and public-houses?—Yes.

118. And those returns would show in what proportion the two kinds of houses have been offending against the law?—Yes.

119. When you were examined before the Lords, you stated that there was a larger proportion of beerhouses convicted, than of the licensed victuallers?—Yes.

120. Will that return prove that the same proportions continue?—The whole number of public-houses and licensed victuallers in the year, up to the 2d of May, within the police district, is 5,729; of those there were convicted, in the year 1852, 487, and 165 dismissed, making a total of 652 summoned.

Then

Then the beershops, there are 3,613; and of those there were 962 summoned and 806 convicted, making the proportion much greater of beershops.

121. Are you ever applied to by any persons for those reports?—No; the only application is upon the annual renewal of licences for the licensed victuallers from the magistrates' clerk, to know whether there are any cases of convictions or any complaints by the police against them.

122. Mr. *Gregson.*] Are there many complaints without convictions?—Yes; such as I alluded to, of having music or keeping late hours, so as to disturb the neighbourhood: it is no offence in itself to keep late hours, but if a man disturbs the neighbourhood it is reported as an offence.

123. *Chairman.*] Can you state what other places of public resort are required to take out licences?—The only others are the keepers of bagatelle-boards and billiard-rooms.

124. And theatres?—The theatres are licensed by the Lord Chamberlain.

125. They are places of public resort, subject to licence?—They are subject to licence; they are visited likewise by the police; the police have no legal authority to enter, but there are tickets given to the police by the managers to enable them to go in free; they report monthly what the conduct is, and if any case of misconduct occurs a report to the Lord Chamberlain is forwarded by me.

126. What places are there that are subject to the Lord Chamberlain's jurisdiction?—All places of dramatic performance; there are saloons and other places of dramatic entertainment; the police, under the 2d & 3d Vict. cap. 47, have the power to enter places where dramatic entertainments are given which are not licensed; by the 46th section of that Act the Commissioners of Police may, "by order in writing, authorise any superintendent belonging to the Metropolitan Police, with such constables as he may think necessary, to enter into any house or room kept or used within the said district for stage plays or dramatic entertainments, into which admission is obtained by payment of money, and which is not a licensed theatre." In all such places where there are dramatic entertainments given which are not licensed the police have power to enter, and to take into custody, and carry such persons before a magistrate.

127. Is there anything that distinguishes precisely such places from the licensed theatres?—No; it is rather a vague line of distinction sometimes. If the police report to me that there is any place in which there are dramatic entertainments, then I desire the police to enter and to take the people into custody, and to take them before a magistrate.

128. Because they are not licensed; not because they have an immoral tendency, but because they do not conform to some Act of Parliament?—Yes.

129. Lord *E. Bruce.*] Have you had many cases of entertainments of that sort in public-houses?—No, I think not in public-houses.

130. Have you ever got convictions against them?—I think not against public-houses; I have got convictions against several other places, but I think not against public-houses.

131. Can you state whether at the doors of those houses they take money?—Yes. In order to bring them within the Act, money must be taken. It says, "into which admission is obtained by payment of money."

132. *Chairman.*] That is the distinction that you take in such a case, that persons pay money for seeing the performance?—Yes.

133. If the keeper of a beerhouse or public-house choose to give those entertainments, without calling upon his customer to pay for it, he is at liberty to do so?—Sometimes they will evidently evade the law, by making the people take drink when they go in, and the magistrates have decided that it is an obvious evasion.

134. Do you know whether there are many cases of that sort, in which, though people are not required to pay for the entertainment, they are required to consume something upon the premises?—I think not many. There was one instance at the Rotunda, over Blackfriars Bridge, where that was done, but there are not many cases. In fact, the police are continually reporting such cases, and sometimes upon giving them notice, they say "We will discontinue it." If they persevere, and it comes within the words of the Act, the police summon them.

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135. Do the police notice, under your directions, those places where there are entertainments for which the people have to pay on entering, such as those places called dancing saloons?—Yes.

136. The police have instructions from you to watch those places, and to see that they do not violate any law?—Yes. For instance, some of the houses are kept under a vintner's licence. The police have large powers under the Act 2 & 3 Vict. c. 47, s. 44, which says, "That every person who shall have, or keep any house, shop, room, or place of public resort within the metropolitan police district, wherein provisions, liquors, or refreshments of any kind shall be sold, or consumed (whether the same shall be kept or retailed therein, or procured elsewhere), and who shall wilfully or knowingly permit drunkenness, or other disorderly conduct in such house, shop, room, or place, or knowingly suffer any unlawful games, or any gaming whatsoever therein, or knowingly permit or suffer prostitutes, or persons of notoriously bad character to meet together, and remain therein" (those are the grounds of the interference of the police), "shall, for every such offence, be liable to a penalty of not more than 5*l.*: provided always, that if the offender be a licensed victualler, or licensed to sell beer by retail to be drunk on the premises, this enactment shall not be construed to exempt him from the penalties, or penal consequences to which he may be liable for committing an offence against the tenor of the licence to him granted."

137. How do those people get their licences?—Many of them are not licensed; for instance, such as the coffee-shops, and the oyster and shell-fish rooms. Some of them have a vintner's licence.

138. You direct the police to watch them, but you have no power to enter those houses as you have beerhouses and licensed victuallers' houses?—No.

139. Have you any power to direct the police to enter those houses?—Not against the will of the party; not if the proprietor refuses.

140. You could only direct any of those persons to be summoned, or taken up upon seeing them violate the law in any way?—Yes, upon their committing any offence, such as is specified in the Act.

141. Houses of public entertainment are all regulated by Act of Parliament to a certain extent?—They are restrained from the commission of such offences and acts as are specified in the clause I have read.

142. The Act to which you refer is a general Act applying to all places of public resort?—This is the last Police Act, 2 & 3 Vict. c. 47, which was intended to include all houses of that sort where people are brought together, where refreshments of any kind are sold, such as coffee-shops, and shell-fish and oyster-shops, and such as the saloon in Piccadilly.

143. Have not those places increased much of late years?—They have.

144. Do you believe that the police attend to the directions they receive, and watch them pretty closely?—I believe they do.

145. So that they could give evidence as to the general character, and the general results of such houses?—They could; I have got returns as to the conduct of all those houses, of which I can make an abstract; there is a class of houses which is somewhat new; those which are licensed to keep billiards and bagatelle-boards.

146. Do they get their licence from the magistrates?—They do.

147. Are those licences renewed annually?—They are.

148. Does that include other games besides those which you have specified?—It is under the eighth and ninth of the present Queen, c. 109, s. 10; it enacts, "that the justices in every division, district, and place in England for which a special session of the justices of the peace (called the General Annual Licensing Meeting) is holden annually for granting licences to persons keeping or being about to keep inns, alehouses, and victualling-houses to sell excisable liquors by retail to be drunk or consumed on the premises therein specified, shall have authority at such general annual licensing meeting, or at any adjournment thereof, to grant billiard licences to such persons as the said justices shall in their discretion deem fit and proper to keep public billiard-tables and bagatelle-boards, or instruments used in any game of the like kind." I think billiards and bagatelle-boards are the only games I ever heard of as being used in those places.

149. You think it would not comprehend dice?—I think not. "And at the special sessions holden for transferring licences to keep inns, shall have authority

rity to transfer such billiard licences to such other persons as they in their discretion shall deem fit and proper to continue to hold the same, and who, in each case, shall be required to give the like notice of their intention to apply for such billiard licence, and entitled to receive the like notice of the licensing days as is required in the case of persons intending to apply for a licence to sell excisable liquors by retail to be drunk or consumed on the premises, or as near thereto as the case will allow; and every such billiard licence" "shall continue in force, in the counties of Middlesex and Surrey, from the 5th day of April, and elsewhere from the 10th day of October, after the granting thereof, for one whole year thence respectively next ensuing, and no longer." It is an annual licence.

150. I understand that there are no other places licensed besides the theatres, licensed victuallers' houses, beershops, and those bagatelle and billiard-rooms?—I think not any.

151. Are you in the habit of sending reports to the magistrates on their licensing days with respect to the billiard and bagatelle-rooms?—Those would be included, whenever they were at public-houses. I do not think I have ever sent any reports to the magistrates about bagatelle and billiard-tables.

152. Do you know whether the licences are occasionally not renewed?—I am not aware.

153. Mr. *Packe*.] Does not the Act include the playing at dominoes?—That would come under the denomination of "gaming." All gaming of any kind is prohibited in the licensed victuallers' and beerhouses; but they are authorised, where they have a special licence of that kind, to keep billiard-tables or bagatelle-boards.

154. *Chairman*.] Then a man who keeps a licensed victualler's house may also have a licence for a billiard-table or a bagatelle-board?—Yes.

155. Would that apply to a beerhouse-keeper?—Yes. I have got a return of the number of beerhouses which have licences for billiard-tables and bagatelle-boards. I find, for instance, that 184 licensed victuallers are licensed to have billiard-tables, and 972 to have bagatelle-boards within the police district. Of the beershops, 142 are licensed to keep billiards, and 297 to keep bagatelle-boards. The superintendents of police state that one evil of the beershops having this licence is, that they are allowed to keep open later.

156. The bagatelle-board licence admits of the house being kept open later than the beer licence?—Yes; there is a note made by the superintendent, "It is an inducement for young persons to frequent these houses, and creates a tendency for gaming. The billiard licence to beershop-keepers authorises them to keep their houses open for play till one o'clock a.m.;" and they often evade in that way the general law applicable to them as beershop-keepers.

157. What do they pay for the licence?—Six shillings, by 8 & 9 Vict. c. 109, s. 10.

158. With respect to coffee-shops, I believe they are not under any Act of Parliament?—They are not; they are represented, and I believe truly, as scenes of very great disorder and great mischief.

159. Are they increasing annually?—They are, largely.

160. Have the police power to enter them?—No.

161. Can they be kept open all night?—They may be kept open all night; I have got a return of the houses kept open of that class. There are two or three other classes which are kept open all night, and a great number which are kept open very late. I find 49 public-houses are kept open all night, 6 wine-rooms, 130 coffee-shops, 3 eating-houses, and 13 shell-fish shops; but a great number are kept open till three o'clock in the morning, which is nearly the same as being kept open all night.

162. Is there any general Act which applies to coffee-shops which requires them to be closed at any hour of the night?—None whatever; they are under no restriction or regulation of any kind further than the general one which I have referred to, applying to any disorder committed in any place where refreshments are sold; but there is no right to enter them, so that they frequently refuse to admit the police.

163. The police have not the same right to enter a coffee-shop that they have to enter a beershop or a public-house?—No.

164. What is there to prevent spirits being consumed in a coffee-shop?—Nothing but the chance of detection; it is very frequently done, I believe.

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165. Is it any offence against the law, supposing people went to a coffee-shop, and took their own spirits with them, and consumed them there?—I fancy not.

166. Spirits may be consumed upon the premises, if not sold there?—They may. But further, I believe in some, if not in many cases, they sell spirits in coffee-shops; but it is difficult to detect them.

167. The police keep a watch upon those houses under your direction?—They do.

168. Do they make reports upon their general character?—They do make reports that they are sources of great irregularity; that persons when they are turned out of the beershops, and out of the more respectable public-houses, go to those coffee-shops, and remain there during the whole night, or the greater part of the night.

169. Do you believe that there is any other business carried on in those houses besides selling coffee?—Some of them are brothels, I believe.

170. You have no jurisdiction over them?—None whatever.

171. I suppose that, like any other house, if it was notoriously maintained for immoral purposes, it could be indicted?—Yes; but that is not a very effectual control, because no notice is taken of them unless there is actual disorder, or unless some person happens to live in the neighbourhood who is particularly anxious to get rid of it.

172. Have you many complaints lodged with you with respect to coffee-shops?—A great many.

173. And you receive those complaints?—There are a great many complaints. Our general answer is, that inquiry shall be made, and that if there is anything to give the police authority to interfere they will do so; that is, if they come within the provisions of the Act 2 & 3 Vict., which I before mentioned, relating to drunkenness and other offences within the house.

174. Do you know the temperance hotels?—No, not as a distinct class.

175. Is there any other description of houses where people are in the habit of congregating together of which you have any notice?—Those that I have stated, I think, are all; licensed victuallers, beershops, wine-rooms, coffee-shops, eating-houses, and shell-fish shops.

176. What are wine-rooms?—They are called "Shades;" many of them say that they have vintners' licences; are free of the Vintners' Company.

177. Can they sell wine without a licence?—Yes.

178. Is it within the city of London only?—No, out of the city of London.

179. Any person having a vintner's licence can sell wine without an excise licence?—I do not know how the law is, but they say that they have a right to do so; it has been disputed, but they have always defeated us when we have tried it; any person who is free of the Vintners' Company is permitted to sell wine as by right.

180. And they sell it to be drunk on the premises?—Yes.

181. Are there many such houses?—There are several.

182. Do they only sell wine?—They have only authority to sell wine, but I believe they do sell other things; it is very difficult to say what is wine when in glasses or in bottles.

183. Mr. *Packe.*] Do they drink it standing?—Yes; it is done at the saloon in Piccadilly, and several houses of that kind; generally near the theatres, and other parts of the town where young men and women go.

184. *Chairman.*] Have the police any authority to go into those houses?—None whatever.

185. Within what limits does this privilege extend?—I believe anywhere in England; within the police district they claim it; we have tried several cases, but never succeeded in getting a conviction. I have sent in people to try whether they were not selling other things; but it is so difficult to make out in evidence whether wine or other drink is sold.

186. Have the police made observations upon those houses?—Frequently. The evils in some of those houses are very great, by the assemblage of young men half drunk, and women, and the seduction from those to gaming-houses; I thought it a great evil, and took steps to try to check it, but I found I could not do it.

187. Do you know whether those places exist in all large towns?—I do not.

188. There

188. There are places of public amusement in the neighbourhood of London, in gardens and other places of that kind; do the police go there?—Yes.

189. Have they any power there that they have not in the open street?—None whatever.

190. Are those places licensed?—Most of them are licensed to have music, and some of them are also as licensed victuallers, to sell spirits, and ale, &c.

191. Those licences are granted by the magistrates?—Yes, the same as to other licensed victuallers.

192. Are there other places of that kind that have no licence except for music?—Yes.

193. What is the licence for music?—It is under the 25th of George the Second, c. 36.

194. Could not those people take money at the doors without a licence?—No, they are not entitled to have music or dramatic performances, taking money at the doors, without a licence.

195. There are a great number of those places in London that are licensed, and many that are not, and the lowest people of all kinds, of both sexes, congregate at those places, and the police attend there and make their observations upon them?—Yes; but with many of them they have no power to interfere. There is another class of places that is the subject of great complaint; what they call unlicensed fairs; they are not fairs. There is one going on at this moment, near Prince's Gate, at Hyde Park. The course is this: A man hires a field, and he underlets to somebody else, who comes there with shows, and gambling in booths, where they have roulette-tables and gambling instruments, and they collect a great number of people from the neighbourhood.

196. Is this done in the neighbourhood of London?—Yes, in all parts of the neighbourhood of London; it is almost incessantly going on, especially in fine weather.

197. Are the ordinary annual fairs licensed?—The legal fairs are held by charter; but these in truth are not fairs, although they call them so; they are very attractive by those roundabouts, and swings, and different games.

198. They have none of the privileges of fairs?—None.

199. They could not sell spirits?—No, but they very frequently do; and when we can prove that against them, they are punished. That is the only way in which the police can interfere with them; they are a very great nuisance to the neighbourhood. People collect there, and make a great disturbance at night to a late hour. They are not even under the same law as a regular fair, which is bound to close at 11 o'clock at night; these may remain open all night.

200. These are quite independent of public-houses, and beerhouses, and other places being licensed?—Yes, they have sprung up in the course of the last 12 or 15 years.

201. Are they on the increase?—I think they are.

202. Lord *E. Bruce*.] Are you aware whether they get a licence to hold those fairs from the Queen's trumpeter?—No.

203. There is such a thing as a licence from the Queen's trumpeter?—Yes, but I do not think any of these pretend to have any licence. There was a clause in 2 & 3 Vict. c. 47, for the improvement of the Police, which was intended to put a stop to illegal fairs, but the wording is such that it does not apply to those cases: "That if it shall appear to the Commissioners of Police that any fair usually holden within the metropolitan police district has been holden without lawful authority, or that any fair lawfully holden within the said district, has been usually holden for a longer period than is so warranted, it shall be competent" for the Police to take steps to put an end to them. But those fairs are not "usually holden" anywhere; they hold them at one time at one place, and at another time at another; so that they do not come within this law; and, in fact, they are not subject to any law.

204. *Chairman*.] The police have the power to go wherever people are assembled together, and to watch them?—Yes; but they have no power to prevent that which is a great source of annoyance to a neighbourhood, and a great source of mischief to young people, by bringing great numbers together at late hours of the night.

205. Would it be any improvement if they had a licence?—Not unless the

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licence gave the power of punishing; for instance, in a licensed fair, all the booths must be closed at 11 o'clock at night; and the police require them to close all their booths and places of drinking at 11 o'clock at night. But these unlicensed fairs may keep open all night long, and many of them do to a very late hour.

206. Lord *E. Bruce.*] Do not those fairs do a great deal of mischief?—I think many of them are a great source of corruption.

207. Is there not a great deal of immorality going on there?—I think there is.

208. *Chairman.*] Can you give any opinion as to the results of the different classes of houses of public resort, distinguishing between the effect where they have a licence, and where they have not, as to their influence on the moral conduct of the people?—I think that the power of licensing is a very useful control; for instance, the licence of the Lord Chamberlain over theatres I think is very useful. The Lord Chamberlain is authorised to lay down certain regulations; that spirits shall not be consumed in a theatre, &c.

209. As to the general results of those places of different kinds; have you come to any conclusion as to which of them tend most or least to demoralise the people?—I think a licence is useful in preventing practices which tend to demoralisation.

210. Do you think that the complaints which you hear are more against those places which have not a licence, than against those which are licensed?—Certainly.

211. Are you alluding particularly to licensed victuallers, or do you include beerhouses?—Yes; contrasting a beershop with a licensed victualler, the control of the magistrate over a licensed victualler, in the renewal of his licence, or refusing the transfer of it, undoubtedly tends to the good order and good conduct of the house. Then again, comparing the shell-fish and coffee-shops with the houses that are licensed, there is more disorder in the one than in the other.

212. You think there is greater disorder in those houses which are unlicensed, than in a beerhouse that is licensed?—Yes; but I do not think that the licence to a beershop is sufficient to ensure good order.

213. You do not think the law is sufficient, at present, which regulates licensed beerhouses?—It is perhaps rather that the law is not strictly enforced.

214. Then it depends upon the regulations under which those houses are placed, whether their influence is good or bad?—Yes.

215. It does not depend upon the licence, but it depends upon the state of the law which regulates their proceedings?—Yes, and the enforcement of the law.

216. Should you say that a licensed beershop is better conducted than a coffee-shop?—I think it is, for this reason, that they are obliged to close at a particular hour; that prevents one great source of mischief; and the police have power to enter beershops.

217. Then you are decidedly of opinion that there is more disorder in a coffee-shop than in a beershop?—I think there are greater scenes of disorder in a coffee-shop, arising from its not being under the same control as to closing at a particular hour, and being visited by the police.

218. You think that every place of public resort ought to be subject to regulation?—I think so.

219. That is the result of your experience of those places?—I think power should be given to the police to enter all places of public resort in the same way that it is now given with respect to beershops and licensed victuallers.

220. If any offence is committed in a coffee-shop, is it more difficult to take proceedings for the purpose of obtaining conviction than it is in the case either of a licensed public-house or a beershop?—It is very difficult to obtain any evidence against a coffee-shop-keeper in consequence of the police not having power to enter.

221. Could not the police always enter as customers?—Yes, but that is a course which, except under particular circumstances, I should never authorise.

222. But the policeman can enter as a right into a beerhouse?—Yes, into a beerhouse and into a public-house, he has a right to demand admittance at any time; this is in 4 & 5 Will. 4, c. 85. s. 7, "It shall be lawful for constables and officers of police, and they are hereby authorised and empowered to enter into all houses which are or shall be licensed to sell beer or spirituous liquors to be consumed upon the premises, when and so often as such constables and

and officers shall think proper; and if any person having such licence as aforesaid, or any servant or other person in his employ, or by his directions, shall refuse to admit, or shall not admit such constable or officer of police into such house or upon such premises, such person having such licence shall for the first offence forfeit and pay any sum not exceeding 5 *l.*, together with the costs of the conviction."

223. Then I understand you to say that it is in consequence of this right of the police to enter at any time that they are able to get evidence of offences committed in beershops?—Yes; it is one very useful provision which enables the police to get evidence in many cases where they otherwise would not.

224. And you cannot get evidence of the proceedings in the unlicensed houses in consequence of the want of right on the part of the police to enter?—Yes.

225. Is it not difficult to get evidence in the case of a beershop, seeing that you must depend upon the persons there?—No; take the case of Sunday trading; the police hear a noise, and see people going in and out; they have reason to suppose that there is illegal trading going on there; they demand admittance; generally there is delay. When they are admitted there are no persons in the room below; they go up stairs and find a number of persons there, and glasses about, showing that the people have been drinking. Then the magistrates convict when the circumstances are sufficient to support the charge of having opened the house for the sale of beer; otherwise it would hardly be possible for the police to convict in any case, because they close the doors and have some signal, such as tapping twice, so as to know whether the persons come there for the purpose of drinking.

226. The additional regulation you would subject those houses to would be by giving power to the police to enter to see that the law is observed?—Yes.

227. That you think would be more effectual than any licence?—It would be more effectual than any licence without that power.

228. All that you complain of with respect to beerhouses is, that the law wants amending in some particulars?—Yes; I am speaking with regard to the district that I know. I believe there are peculiar objections to beershops in country districts that I am not aware of.

229. To secure their better management in London, you think it would be necessary to make the law more stringent than the present law is?—Yes.

230. Have you made up your mind as to the best manner of amending the law respecting beerhouses?—I cannot say that I have; I could suggest different provisions.

231. With respect to those places which do not now seem to be subject to the law at all, you would give power to the police to enter them?—Yes.

232. Are you of opinion that without that power those places have very demoralising influences?—I think so; the late hour at which they remain open at night is a very great source of evil. Many persons are tempted to go there, and led on, step by step, to criminal or immoral proceedings, which they would not be led into if there were no place for them to remain away from their homes during the night.

233. Are you prepared to say that those houses are really a cause of crime and demoralisation, or do you think that they merely afford evidence of the number of bad characters in town?—I have no doubt that that very often is the case; but I do not think so in the case of young people, who are tempted to go there for the sake of amusement, and who are led on to immoral practices in a way in which they would not otherwise be. If a young person, at two or three o'clock in the morning, had no alternative but to walk the streets or to go home, I think he would go home; but he may go to a coffee-shop or go to a public-house, and remain there all night.

234. One source of evil influence is, that people who are not bad meet with others who are, and get contaminated?—Yes.

235. Would not that be the same whether the house was well conducted or not?—With reference to publicans, they are liable to be convicted for harbouring persons of bad character.

236. How are they to know who are persons of bad character?—The police point them out.

237. Those are persons of very notoriously bad character?—Any persons that the police know to be of bad character; I have often complaints, saying,

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"The police pointed me out in such a case as a person of bad character;" I inquire, and I find that he is a person of bad character, and I answer, "If you have any cause of complaint, bring it before a magistrate."

238. Do you mean that licensed victuallers are not to allow any women of the town to remain in their houses?—The law says so; the magistrates often refuse to convict unless there is some disorder, but I always thought that the law made it illegal. In the clause which I read before (2 & 3 Vict. c. 47, s. 44), it is enacted, that "Every person who shall have or keep any house, shop, room, or place of public resort within the metropolitan police district wherein provisions, liquors, or refreshments of any kind shall be sold and consumed," including tea or coffee, "(whether the same shall be kept or retailed therein, or procured elsewhere), and who shall wilfully or knowingly permit drunkenness or other disorderly conduct in such house, shop, room, or place, or knowingly suffer any unlawful games or any gaming whatsoever therein, or knowingly permit or suffer prostitutes or persons of notoriously bad character to meet together and remain therein, shall for every such offence be liable to a penalty of not more than 5 *l.*" But many magistrates, unless there is some disorder, refuse to convict, but I always thought that the law made it an offence to allow them to remain in the house; and the licensed victuallers, with very few exceptions, now immediately turn them out if there are several of them. I have a return every week of the houses visited by the police, and of the number of convicted criminals, and the number of suspected characters noticed in each house; and in certain cases I select parties to be summoned before the magistrate, and in other cases to be cautioned. The habit of the police is this: the police say, "You have a number of bad characters and prostitutes;" the publican says, "I do not know them;" the police point out the individuals, upon which the publican turns them out. That is useful, because it prevents those people remaining together for the preparation of their plans or criminal purposes, and it prevents their remaining drinking and enjoying themselves; when there are such characters in the house they may corrupt others who are there.

239. Do you think that it is one reason why the coffee-shops have increased so much that the magistrates have become more strict with the licensed victuallers' houses, and that the people being driven out of them go to the coffee-houses?—I am not prepared to say so, but it is a likely effect; of course in this town there is one great difficulty, that persons will go somewhere or other; some place will be found open.

240. If you were to subject coffee-shops to the jurisdiction of the police, the bad characters who now frequent them would go elsewhere?—What I should wish is that they should be forced to separate and to go to their homes; I think it is mischievous that they should be allowed to remain together.

241. You think that by means of good regulations that might be done?—I think to a certain extent it might; I think, generally, the efforts of the police should be directed to that object, to make the life of a person who is known to be living by criminal practices as little agreeable to him as possible; it is one mode of preventing crime.

242. At present the licensing system has not had the desired effect, because there are other places where such characters can congregate, and where they do so?—Yes.

243. Sir *G. Grey.*] Will you state generally the powers which exist with regard to beerhouses; is it not the case that a licence can only be granted for a beerhouse, as it is for a licensed victualler's house, for one twelvemonth?—Yes; and it is renewed annually.

244. And upon an application for a renewal, there must be the same certificate by six residents in the neighbourhood, in order to entitle the keeper of the house to a renewal, which is required upon the first application for a licence?—The same; but in certain districts, that is to say, in most parts of the district as to which I have most to say, there is no certificate required.

245. According to the form of the licence, in the case of a beerhouse, is not the licence granted upon condition that the keeper of the house shall not knowingly permit any drunkenness, or any violent, or quarrelsome, or other disorderly conduct, nor knowingly suffer any unlawful games, or any gaming, nor knowingly permit or suffer persons of notoriously bad character to assemble and meet together in his house?—It is so.

246. Have not the justices of the peace the power, in the case of beerhouses (which

(which they do not possess in the case of licensed houses), of fixing the hours during which the house shall be kept open, subject to the restrictions imposed by the Act of Parliament?—The hours are fixed by law, 3 & 4 Vict. c. 61, s. 15, namely, 12, 11, and 10 o'clock, according to where the house is; the previous section, 14, deprives the magistrate of the power of fixing the hours.

247. Have not the police the absolute power of entering those houses at any time?—They have.

248. Is there not the power, upon a third conviction of the alehouse-keeper, for suffering drunkenness or disorderly conduct, not only to take away the licence from that person, but to prevent a licence being granted to any person, for that house, for two years?—That is so; but I stated that I am not aware that that power is enforced; I have not any knowledge of its being enforced.

249. Have you any doubt whatever that that power exists, looking at the clause in the Act of Parliament?—That is so.

250. Can you suggest any additional restrictions, which could be imposed by law, which would prevent any of the evils which you have stated to arise from the existence of beerhouses at the present time?—I am not prepared to suggest any. My opinion has always been, that in the metropolitan police district, beer-shops, looking at them relatively to the class of persons that frequent them, were not worse conducted than public-houses.

251. Mr. *Brown.*] Do you think that if the powers which the law gives were efficiently enforced, the complaints of those houses would be much less than they are now?—I am of that opinion with regard to the metropolitan district; I have heard that in the country the power to obtain a licence for a beershop, without reference to the wants of the locality, is a source of evil which cannot be controlled; but I have no knowledge myself of it, and within the metropolitan district I cannot say that it is so.

252. Do you think that those houses can be kept in proper check without an efficient police?—Certainly not; I can conceive nothing more disorderly than they must become in that case. The number convicted each year in the metropolitan district would show the influence of the police upon them.

253. Is it not required by 1 Will. 4, c. 64, s. 4, that a party applying for a licence shall give a bond for the payment of the penalties, in case of a conviction of certain offences?—The clause is, "Provided always, and be it enacted, that it shall not be lawful for the Commissioners of Excise or any person authorised by them, nor for any collector or supervisor of Excise, to grant or deliver any such licence to any person applying for the same, unless such person shall, before receiving such licence, or at the time of receiving the same, enter into a bond to the Commissioners of Excise, with one sufficient surety in the penalty of 20 *l.*, or with two sufficient sureties in the penalty of 10 *l.* each, such surety or sureties being the person or persons named in the application of the party requiring the licence, or some other person or persons approved of by the said Commissioners, or by the person authorised to grant such licences."

254. Are you aware whether that is now in force, or whether it has been repealed by the 11 & 12 Vict.?—I believe it is in force.

255. *Chairman.*] Have not you heard that the person who owns the house generally pays the penalty for the occupier?—I have heard so.

256. Have not you heard that brewers sometimes own those houses, and that when the man is convicted the brewer pays the penalty?—I have heard it.

257. You would recommend that the magistrate should notify to the Excise Office that the man has been convicted in that penalty, and that there should be power given to the Excise in consequence to refuse the licence?—Yes.

258. Mr. *Brown.*] Will you be so good as to state whether the Act requiring a bond for the good conduct of the house has been repealed?—It has not been repealed.

259. Do you consider that the recommendation of six householders is of any value at all with respect to public-houses?—It might be a bar to the granting a licence in certain cases.

260. Are you not aware that it is considered merely a nominal thing for any person to get half-a-dozen signatures?—I should think so.

261. With respect to appeals, are you aware that the magistrates now have not the means of sending any protest or calling evidence before the Quarter Sessions to sustain their views in withdrawing a licence?—I believe that is so.

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262. Does not it frequently occur, in consequence of their not having those means, that, however just their decision may have been, as they do not appear before the court, it falls to the ground?—I have heard so; that the magistrate's conviction not being supported, the merits are not fairly discussed.

263. Have not the licensing justices their own records of convictions and fines on the keepers of public-houses, without the necessity of referring to the police?—I am not aware; I know they apply to me to send them a list of the convictions and complaints.

264. How would you deal with public-houses if the houses were obliged to be shut at 12 o'clock at night, particularly at sea-ports?—I do not suggest that; I am quite aware of the difficulties, looking at the habits of certain classes, who are up to a late hour, and of others who rise very early; there are persons coming from the theatres at a very late hour, and then the market gardeners arrive very early; and the cab drivers frequent certain public-houses; without saying that they ought to be closed, it is my opinion that it is a great source of disorder.

265. Are you aware that some of the best hotels in town are necessarily kept open nearly all night?—Yes, but that is not a source of public disorder.

266. The owner of a house that gets a licence has no vested interest in right of that house to entitle him to obtain another licence if one is withdrawn?—Certainly not; I believe it is altogether in the discretion of the magistrates, according to what they may deem fit and proper, by 9 Geo. 4, c. 61, s. 1.

267. Are you aware that in some houses where there are amusements going forward, they charge for the amusement, but make them a present of the drink?—Yes, I have heard of such.

268. You spoke of travelling amusements; are those within the province of the Lord Chamberlain?—No.

269. Would it not be desirable to empower the magistrates to prevent those exhibitions if they were found to be inconvenient, or a nuisance, or demoralising, and to place them under the control of the magistrates?—I am not prepared to say under what control they should be, but I think there ought to be some power to control them; generally speaking, in the police district you look to those matters being done by the police, not by the magistrates; the magistrates having to adjudicate upon the cases brought before them judicially, and the police being the executive.

270. Lord *E. Bruce.*] I understood you to say that the manager of a place of entertainment, if there is eating and drinking in the place, must have another licence for that; the Lord Chamberlain's licence has nothing to do with that?—No, he prevents spirituous liquors being sold in the theatre; they must have another licence for the saloon when those things are sold.

271. Mr. *Packe.*] Are you aware of any frequent breach of the law in the metropolitan district by the sale of spirits in beerhouses?—I believe it is done; in fact some informations have been laid by the police upon the subject.

272. Do you know whether that is a frequent offence?—I am not prepared to say that it is frequent.

273. *Chairman.*] I understand you to say, that the most effectual check which you think can be provided against, in these houses, is the fear of losing the licence?—I think it is.

274. Mr. *Brown.*] Do not you think that it would aid that check, if they were to be charged something more for the licence, and if they were compelled to give bonds of security for good conduct, because the parties who become their bondsmen would make a point of knowing the character of the man for whom they were bondsmen, and if they had reason to lose confidence in the individual for whom they had been bondsmen, they might cancel the bond, and the party could not again renew his licence, unless he got efficient bondsmen for his good conduct?—That would necessarily be a check.

275. Provided there is a way to make the bond enforceable?—Yes.

276. Lord *E. Bruce.*] Can you give any opinion, as far as your experience goes in the police, as to the effect of casinos, or dancing saloons, in a moral point of view?—I do not know that they are directly immoral; but they are places where women of the town undoubtedly go, and where young men meet and dance with them.

277. Do not you think it is rather a good thing that they are open, as tending

ing to prevent the lower classes from going to worse places?—I think, so far as giving people amusement; numbers of people will have amusements of various sorts; and it is better that they should have amusement which is not directly and necessarily immoral.

278. Are they not always very well regulated; are they not over at a particular hour?—I believe they are.

279. At what o'clock?—I think they almost all close about 12; the police go there, and there is no misconduct that the police can notice; if any drunken person goes in he is turned out, and the police check any misconduct.

280. May they not tend to prevent people going to worse places?—The evil of those places is, that young men meet women of the lower classes, and dance; but I have no reason to say that any direct mischiefs arise from them; of course they are frequented by loose, idle young men about town.

281. Mr. *Brown.*] Do you think there would be any danger to the revenue if the trade were thrown completely open, provided bonds were given for the houses being well conducted?—I am not prepared to say; I might add, with respect to the return of the number of convictions of public-houses and beer-shops, that of public-houses the number convicted was 348, and the amount of penalties and costs was 407*l.* 12*s.* 6*d.*; of beershops the number convicted was 575, and the amount of penalties and costs 515*l.* 18*s.* 6*d.*, so that the beershops have been mulcted more than the public-houses.

[*The following Paper was delivered in*:]

METROPOLITAN POLICE.

ABSTRACT RETURN of Numbers of the undermentioned Houses, up to this Date (2 May 1853), within the Metropolitan Police District.

DIVISIONS.	Public Houses.	Beer Shops.	Wine Rooms.	Coffee Shops.	Eating Houses.	Shell-Fish Shops.	Pawn Brokers.	Marine Store Dealers.
A, or Whitehall -	28	4	- -	6	4	3	- -	1
B, or Westminster -	249	128	- -	61	24	2	20	68
C, or St. James -	395	35	9	100	44	24	17	38
D, or Marylebone -	238	128	- -	60	21	1	24	75
E, or Holborn -	237	65	- -	66	16	14	19	71
F, or Covent Garden	315	47	1	97	38	10	18	40
G, or Finsbury -	371	209	- -	131	38	10	34	88
H, or Whitechapel -	347	152	- -	88	25	1	21	58
K, or Stepney -	599	551	2	114	27	4	42	134
L, or Lambeth -	179	155	1	83	25	44	19	76
M, or Southwark -	418	188	- -	121	33	30	23	78
N, or Islington -	535	391	- -	102	40	9	31	124
P, or Camberwell -	276	356	- -	29	11	- -	16	101
R, or Greenwich -	389	236	- -	40	20	1	15	66
S, or Hampstead -	362	237	- -	63	23	- -	16	79
T, or Kensington -	381	348	- -	14	7	- -	11	36
V, or Wandsworth -	410	383	- -	17	19	5	11	50
TOTAL - - -	5,729	3,613	13	1,192	415	158	337	1,183

Veneris, 6° die Maii, 1853.

Mr. Villiers.	Mr. Barrow.
Earl of March.	Sir George Goodman.
Sir George Grey.	Mr. Fitzroy.
Mr. Gregson.	Lord D. Stuart.
Mr. Wm. Brown.	

THE RIGHT HON. C. P. VILLIERS, IN THE CHAIR.

John Wood, Esq., called in; and Examined.

J. Wood, Esq.

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282. *Chairman.*] YOU are Chairman of the Board of Inland Revenue?—I am.

283. You have been so for the last 15 years?—I have been chairman of the Boards of Revenue for about 20 years; the Board of Inland Revenue was only constituted four years ago.

284. You were examined before the House of Lords three years ago upon the operation of the Acts regulating the sale of beer?—I was.

285. Have you referred to the evidence you gave upon that occasion?—I have.

286. You have there stated what the law was at the time, so far as you had cognizance of it in your department; will you inform the Committee whether there has been any subsequent change in the law?—There has been no change.

287. You were there asked what the jurisdiction of your department was, in granting licences to persons for the sale of beer; did you correctly state that, in saying that the sale of a licence on the production of certain documents, and the taking a bond from the party, was the limit of your power over such persons?—That is a correct statement.

288. The mode in which a person obtains a licence from the Excise is by an application to the Inland Revenue Department, producing certificates from certain rated inhabitants of the parish where he resides, and entering into bond himself, and presenting two sureties?—Exactly so.

289. Is the bond a personal surety that he enters into, or does he offer sureties to the amount of the bond?—He enters into bond himself to a certain amount, with two sureties each of half the amount; I have before me the bond (*producing the same*); I have also the form of application for a licence (*producing the same*). The form of certificate is in blank; and upon these blanks being filled up, and the bond being executed with two sureties in the mode prescribed, it is compulsory upon us to grant the license.

290. Application is made to one of the officers of Excise in the particular district?—Yes.

291. And then forwarded to your department?—It is not forwarded to us, but the licence is absolutely granted to the person by whom application is made locally.

292. But it is only granted upon the inspection of those documents which you are obliged to receive and enquire into first?—Yes, we are compelled to receive the documents, and if they appear upon the face of them to be valid, and to be sufficient according to the Act of Parliament, we have no choice whatever; we should be subject to a motion for a mandamus which would issue, I take it as of course, if we refused the licence on the production of the form properly filled up.

293. But is there an inquiry as to whether these forms are properly filled up by the collector on the spot?—I think the officer, if he has any reason to suspect that they are not properly filled up, makes inquiry.

294. Would he inquire, and should you consider him as bound to inquire, whether the forms were properly filled up in this respect, for example, that the persons giving the certificate were such as they were represented to be, namely, rated inhabitants in the parish?—If he had any reason to suppose that the form was improperly obtained, or improperly filled up, he would go first to the overseer,

and

and require to see the rate-book and see that the overseer had fairly described the rating, that the certificate was in fact true.

295. Is that part of his duty?—That is part of his duty.

296. When you receive those certificates, you have an assurance from the officer that they are correct?—The mere fact of his sending up the certificate and the bond shows that he considers them correct. It is only in cases of suspicion that any inquiry is considered necessary.

297. Then if there was any fraud connected with the preparation of those documents he would be responsible?—He would be responsible. Generally speaking, I believe there are no such frauds. There are occasionally disputes as to whether the rating is sufficient, but those are disputes which are to be determined by the overseer and the ratepayers rather than by us. If we find the rating sufficient, as certified by the overseer, and the local officer informs us that he has examined the rate-book in case of any doubt, and finds that the overseer's certificate corresponds with the rate-book, there our duty ends. There is a remedy if the overseer certifies falsely, but that is a remedy not to be applied by us, but by the parties aggrieved.

298. Then the bond that he enters into is taken by the Excise?—It is taken by the Excise.

299. For what purpose?—It is that he, or his sureties for him, shall be answerable for any penalties incurred on conviction contrary to the tenor of his licence.

300. Then it is not merely for offending against the Excise laws, but for offending in any way against the tenor of his licence?—The words are these: that the party shall enter into a bond for the payment "of any penalty or sum of money not exceeding the amount of 20 *l.* or 10 *l.* respectively, which shall be incurred for any offence against this Act by the party to whom such licence shall be granted, or for the payment of such sum of 20 *l.* or 10 *l.* respectively, in case any penalty incurred by such party licensed shall exceed such 20 *l.* or 10 *l.* respectively." It is for any offence, in fact, against the Beer Act.

301. Whether against the Revenue, or against the Police Act, or other laws?—Yes.

302. When you have received this bond, and the certificate has been forwarded by your own officer, you grant the licence. Have you after that any further jurisdiction over the beerseller?—Yes, we have a certain jurisdiction over him in case he contravenes the terms of his licence.

303. Do you mean that the officers of Excise have the power to observe his conduct, and to summon him if he violates the law?—Yes, in certain cases.

304. Will you state what those cases are in which your officer has jurisdiction?—I have prepared a short abstract of the respective powers of Excise officers and policemen. By the 4 & 5 Will. 4, c. 85, s. 7, constables may enter into all houses licensed for the sale of beer or spirituous liquors to be consumed upon the premises when and so often as they shall think proper. By the 11 & 12 Vict. c. 49, s. 5, police constables may at any time enter into any house or place of public resort for the sale of wine, spirits, or other fermented or distilled liquors. With respect to Excise officers, there may be some doubt whether the general powers of entry given by the 7 & 8 Geo. 4, c. 53, s. 22, are not superseded by the special provisions in 3 & 4 Vict. c. 61, but if they are cumulative, they only give Excise officers power to inspect the entered premises of beer retailers between the hours of 5 o'clock in the morning and 11 o'clock at night, except in the presence of a peace officer, and the special powers in 3 & 4 Vict. c. 61 are nearly as extensive. By the 3 & 4 Vict. c. 61, s. 11, Excise officers may enter houses licensed for the sale of beer (during the time they may be kept open), and inspect the entered rooms, and search for and seize all wine, spirits, and sweets which they may find, and they may examine all beer and cider kept in such entered rooms.

305. Will you explain the difference between a house and an entered room?—The beerhouse-keeper is at liberty, on applying for a licence, to state what rooms shall be considered to be entered for the sale of beer; he may select one or two, or any number in the house. The Excise have only power to go into those entered rooms. The police, on the contrary, have the power of going into every room in the house.

306. Should you say that there was any advantage in that power of going into every part of the house?—There is. The police have not the power of seizing

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wine or spirits if they find them; but that is not of very much value, because the beer retailer generally keeps his prohibited articles in some place where they are not very accessible, either to the police or to the Excise. But we give the police in every case in which they ask it the power of seizing, by arming the police constable with an Excise commission. The magistrates latterly have not unfrequently asked us to give to the police Excise commissions, especially in the large towns, and that gives them all the power which the Excise have.

307. When they have an Excise commission, they can act just as an Excise officer would do?—Yes; they are Excise officers to all intents and purposes, and they therefore act not only as police officers, but as Excise officers. The joint powers of the Excise and the police are much greater than the powers of the Excise officers alone.

308. Could they seize spirits in any part of the house, whether the place was entered or not?—Whether entered or not.

309. What are those commissions which are given to policemen; are they under the authority of any Act?—We are entitled by the Act, for the general management of the Excise, to grant commissions, constituting the individuals holding them officers of Excise; and as officers of Excise they have all the powers which, by the Act of Parliament, are conferred upon the officers of Excise.

310. And that is very generally done?—It has been done to a considerable extent in some of the large towns, such as Manchester, Liverpool, and Birmingham, and we find it exceedingly useful, because it enables the police to take cognizance of cases of illicit distillation, and to stop spirits *in transitu*.

311. You would not have officers enough to watch all the houses without extending those commissions to the police?—No, we have not; and if the police would avail themselves more largely of that power they would be more useful than they are now. We never refuse an Excise commission to a person recommended by the local magistrates.

312. Do they receive any additional pay for this duty?—None. They receive rewards, if the seizures are of sufficient value. Then by the 3 & 4 Vict. c. 61, s. 12, the Excise officers may enter houses, during the time they are kept open, for the sale of table beer (at the rate of 1½ *d.* per quart), and inspect the rooms in which such beer is kept, and seize wine, spirits, sweets, and all beer which by law cannot be sold in such house (viz., without licence). That is a description of house as to which there is some doubt as to the law; but by a Treasury Order, houses are open for the sale of beer without a licence, provided they do not sell the beer at more than 1½ *d.* a quart. There is so much doubt as to those houses, that we act with regard to them under a Treasury Order, which will be found in the evidence given before the Lords' Committee.

313. Is the power to enter those houses confined to Excise officers, or those who have commissions from the Excise?—Yes; but there is a subsequent Act, the 11 & 12 Vict., cap. 49, sect. 5, which gives the police much more extensive powers than any which I have mentioned. A policeman may enter at any time into any house or place of public resort for the sale of wine, spirits, &c. This appears to be a much more extensive power than any other, because, under this law, it is not necessary that the house should be licensed. The police appear by this to have the power of entering any "place of public resort." I take it that that would be defined to be any place where money is demanded for admission.

314. I presume that the power of the Excise officer is entirely confined to offences against the revenue?—That is the intention of all the Acts. We have nothing to do with the preservation of the peace, or as to selling at illegal hours; those are all police offences.

315. Do you depend upon the vigilance of the Excise officers for the detection of offences against the revenue laws?—Yes.

316. Are the Excise officers constantly upon the watch?—No; they are expected to exercise vigilance in their respective districts, but it is very soon ascertained whether a house is licensed or not; if it is not licensed for the selling of beer, wine, or spirits, we expect our officers will exercise sufficient vigilance to inform us of it.

317. Has the Excise an interest in spirits not being consumed upon the premises of any beershop?—It has this interest: that in order sell spirits for consumption a man ought to pay a licence to the Excise; and if spirits are sold in a house without an excise license the Excise is interested to this extent, that it is defrauded

defrauded of the amount of licence duty; besides which, an unlicensed house selling spirits is frequently a depository for spirits which have never paid duty; therefore we have an interest in repressing them.

318. The great interest of the Excise is in preventing illicitly distilled spirits being sold in such places?—That used to be the great interest; but I believe a great alteration has taken place in this respect; that even the unlicensed houses are now chiefly supplied with spirits which have paid duty; the manufacture has improved so very much that the great consumption, even in unlicensed houses, is of spirits which have paid full duty.

319. Is it any offence to consume spirits on the premises of a beerhouse, the spirits not having been sold in the house, but having been brought into the house for consumption?—The mere finding of spirits in a beerhouse is a very grave offence; one of the gravest offences. If spirits are found without any proof of sale whatever, the mere finding of them in the entered rooms of a beerhouse is visited with the loss of the licence.

320. I am referring more particularly to the actual consumption of spirits by persons in a beerhouse, assuming that they have sent for them to a neighbouring house, licensed to sell spirits?—*A fortiori* the evidence of consumption would be evidence of having them on the premises. The finding people drinking there would be a stronger case than the mere finding on the premises; they would be liable to punishment; the law is so framed that no spirits are allowed upon the premises.

321. Have you notice of any conviction before the magistrates of any offence against the revenue laws when the renewal of the licence is applied for?—The magistrates have the power of adjudicating that this is a second conviction, for instance, and that therefore the licence is forfeited; or that a party, in consequence of a third conviction, cannot hold a licence again. But I believe we have not one single instance in which such an adjudication has been forwarded to us. The magistrates, as it appears to me, generally decline that part of their duty, having the option they do not so adjudicate; it appears to me that they generally consider it sufficient to convict the party in a pecuniary penalty, and they do not communicate to us, as the Act of Parliament prescribes to them, the fact that there has been a conviction, that is, they consider the conviction in the penalty sufficient, and they do not wish it to be followed by the consequences which the Act of Parliament prescribes.

322. That applies to all offences, whether under the Beer Act or against the Police Act, as well as the revenue laws; but I wish to know whether you take particular notice of any beer seller convicted of offending against the revenue laws?—We never have any information upon the subject from the magistrates.

323. No officer of Excise furnishes that information to your department?—No, because he is not necessarily present, and probably he is not present in court, and he has no knowledge of those convictions; at all events he has no official knowledge of them. We can only know anything of that sort by a communication from the magistrates.

324. What is the extent of the communication that would influence you in refusing the renewal of a licence; would it be the mere fact of a conviction, or would there be a notice to you not to grant the licence by the magistrate adjudicating?—We must have the adjudication of the magistrate, or else we are compelled to grant the licence.

325. Besides making the adjudication, does the magistrate notify to the Excise that the man is not to have the licence renewed?—I believe we never have had an instance where a magistrate has, under the terms of the Act of Parliament, stated that, in addition to the pecuniary penalty, he adjudicated the licence to be void, and that the man should not hold another.

326. Will you have the goodness to refer to that part of the Act which provides for the magistrate notifying to the Excise that the man should not have the licence renewed?—The Act of the 3 & 4 Vict. c. 61, s. 17, states, "That when any justice of the peace shall adjudge and declare the licence of any person to be forfeited, such justice shall cause notice in writing to be immediately given to the Commissioners of Excise within the limits of the chief office of Excise, or to the collector of Excise out of such limits of such adjudication."

327. You understand this to be a direction to the justice of the peace to give notice to the Excise?—Yes.

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328. Will you state under what circumstances you consider that he is bound to give you notice?—I consider that it lies completely within his discretion. He may fine the party, and he may in addition to the pecuniary penalty adjudge that he should forfeit his licence, but if he does not so adjudge, and if he does not give notice of such adjudication, either to the Commissioners of Excise or to the collector of Excise, as the case may be, then we, having no notice of such adjudication, have no right whatever to interfere; and in practice we never have such notice.

329. Are we to understand that the justice is directed to send this notice to the Excise whenever a beerseller has been convicted, and it has been the duty of the magistrate to forfeit his licence; is it required to be done upon every occasion, or is it only upon a second or third conviction?—The Act says that no person shall be deemed to forfeit his licence unless such forfeiture shall be adjudged and declared by the justice by whom such person is convicted; and where any justices shall adjudge and declare the licence of any person to be forfeited (that is, where they choose so to adjudge), such justices shall cause notice in writing to be immediately given to the Excise of such adjudication. But in point of practice I believe that they have never given such notice.

330. You understand that the justice has the power of causing the forfeiture of the licence whenever the law has been violated by the beerseller, and that whenever he has the power to forfeit a licence he has also discretion to give notice to the Excise?—Yes.

331. And I understand you to say, that you have not had one instance in which any justice of the peace has forwarded to you such notice?—I am not aware of any such. I believe I stated that before a Committee of the House of Lords some time ago, and I have inquired since, and I believe there has been no instance since that time.

332. Since the year 1850, when you were examined before the Lords' Committee, there has been no such notice sent by the justices to your department?—No; there has been no instance.

333. Can you tell us whether the cases that are brought before the magistrates are adjudicated upon by them, and the licences declared forfeited by them, without a notice being sent, or is the fact of the notice not being sent a proof that the licence has not been forfeited?—I think there may be cases in which the justices have adjudged that the licence should be forfeited, but that they have not complied with the terms of the Act of Parliament, and we have been in total ignorance of it.

334. That, I presume, is established by the fact of the number of convictions which have taken place of beerhouses, without your having received notice of the forfeiture of the licences?—Yes; and I might state that if, in any particular instance, we had reason to suppose that such an adjudication had been made, and that the justice had omitted to send it to us, I should cause a letter to be written to him, asking whether such was his intention or not, in order to rectify that omission.

335. Have you ever actually done that?—No; but I say that if I had any reason to suppose, from private information, that in a particular case there had been an adjudication which had not reached the Board, I should have a communication opened with the magistrate, to ask him whether such omission was intentional or not.

336. You have stated the very limited nature of your power; will you state whether you ever receive information that these persons have been convicted, or are unfit to have a licence, and yet have felt yourselves bound to renew the licence?—We have frequently remonstrances from individual justices, and more particularly from the clergy, complaining grievously of beerhouses, and that particular individuals are unfit to hold licences, and our almost common form of answer to those letters (I have even thought of having it lithographed) is, "I beg that you will read the Act of Parliament, and then you will perceive that our power is not at all judicial but ministerial, and that a party presenting a proper certificate is entitled to his licence without any question from us whatever."

337. Then it is a common practice to receive complaints of the characters of persons who are receiving a licence, and your common form of answer is, that you have no power to refuse the licence?—Yes.

338. Would this apply in case any proof were given to you of those persons being

being convicted of felony?—The letters we receive are generally only complaints of the general character of the party.

339. Sir *G. Grey.*] Supposing a magistrate or a clergyman wrote to you saying that a person keeping a beerhouse had been convicted of felony, would not that person, under the seventh section of 3 & 4 Vict. c. 61, be absolutely disqualified from keeping a beerhouse?—If such an instance were brought before us I should have no hesitation whatever in advising the Board to withhold the licence, and to make a communication with the parties, running the risk of the person applying for the licence taking his remedy by law, which would, in fact, amount to nothing.

340. *Chairman.*] That is, if you had reasonable evidence of the person applying being legally disqualified?—Yes.

341. One of those legal disqualifications is having been found guilty of selling spirits without a licence?—But I think that must be adjudged; the words are, "That every person who shall hereafter be lawfully convicted of felony, or of selling spirits without licence, shall for ever thereafter be disqualified from selling beer and cider by retail, and no licence to sell beer and cider by retail under the said recited Acts or this Act shall be granted to any person who shall be so convicted as aforesaid." But then we must have legal evidence of that; it must not be on mere report; but if we received any such information we should not grant the licence; we should open a communication with the magistrates or parties complaining, and say that, on being furnished either with a copy of the conviction or with any legal evidence that such is the case, we should withhold the licence.

342. You would not be satisfied with any evidence short of a conviction for the offence?—We should require legal evidence of the conviction.

343. Do you direct your officers to enter any house where they suspect that the parties sell spirits without a licence?—Yes; it is part of their duty.

344. What would the officer do upon receiving information that that practice existed; would he enter the house and search it?—It would be according to circumstances; if he had very strong reason to suppose that spirits were concealed in any beerhouse in the entered rooms he would enter and search those rooms. The more common case of detection is going to a house which is not licensed, where beer is sold without any licence at all.

345. What steps would an Excise officer take, having entered premises where he suspected they were selling beer or spirits without a licence; would he take out a summons against the man and take him before a magistrate?—He searches the house, and if he finds spirits in a house only licensed to sell beer, he seizes them and takes them away, or having found in an unlicensed house parties drinking, or having himself purchased beer in such house, he applies to a magistrate for a summons, and the parties are taken before a magistrate, and, if found guilty, convicted.

346. Is it his duty, under the circumstances, to do that without making an immediate communication to his superior officer?—Our officers are of different grades; the common officers of Excise would not act in taking a man before a magistrate without the orders of their supervisor, who is the resident superior officer.

347. I understand you to say that you can get no information of an offence committed by a beerseller, but by the notice you require from the magistrate adjudicating?—Yes; but the officer, on making the detection, reports the case to his supervisor, and he reports the case to the Board, and no information before a magistrate is allowed in the country without the authority of the Board. We review the circumstances and order an information or not, in our discretion; that discretion being regulated by the amount of evidence and the probability of conviction.

348. And the Board takes no more notice of the case after they have directed the information to be laid?—No, except that the result of the information is communicated to them.

349. You have stated that the greater proportion of the offences of which an Excise officer gives information, are those of beer being sold in houses not licensed?—Yes, the majority of the offences are of that kind. We have also cases of spirits being sold in houses licensed only for the sale of beer, but in all those cases the police have much greater power than we have.

350. Sir *G. Goodman.*] You stated that the police officers are sometimes armed with the powers of Excise officers; can you state how many towns have

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taken advantage of that power?—I have not a return of that, but I will send it to the Committee.

351. *Chairman.*] Have the magistrates applied with respect to the County Constabulary, or the Rural Police, that the police should have the powers of Excise officers delegated to them?—There are instances of it; they are not nearly so frequent as we should wish, but they have chiefly been confined to large towns or very populous neighbourhoods.

352. Where the magistrates so apply to you, is it chiefly where they complain of those beerhouses selling spirits?—Yes, that is the great complaint.

353. Mr. *Barrow.*] When the police officers are so appointed to act as officers of Excise, have they any orders to report to the Excise?—They are not at all under our orders.

354. Although you give them a commission to act as officers of Excise, you hear nothing of what they do in consequence of that commission?—We grant the commission upon the application of the magistrates; they are responsible to the magistrates, not to us, but they report detections to us.

355. And you have no means of knowing whether the commission so issued to the police officers has produced any discoveries of spirits to any extent?—None.

356. *Chairman.*] Have you any reason to believe that the regulations to which the beerhouses are now subject, are the cause of extensive frauds upon the revenue?—I think that in beerhouses which by law are confined to selling beer, there is a very great temptation held out to sell spirits; it affords a very good opportunity for selling spirits.

357. Do you consider that, with a view to the revenue, there should be any change in the law as it affects the sale of beer in those houses?—I confess that I do not see why there should be any distinction between beerhouses and public-houses, either as to police or excise regulations.

358. Will you be so good as to state what power you have in granting licences to what are called public-houses, where spirits are sold; it was stated to the Committee on a former day, that the magistrate first grants a licence to any person applying, and that after obtaining the magistrate's licence the party applies to the Excise?—Yes, that is the practice.

359. Under what Act is that?—In England the public-houses are licensed by the magistrates under the Act of 9 George 4, c. 61, and 5 & 6 Vict. c. 44; in Scotland, under the Act of 9 Geo. 4, c. 58; and in Ireland, under the 3 & 4 William 4, c. 68, and 6 & 7 William 4, c. 38. Then our powers of licensing are under what is commonly called the Management Act, the 6th of George 4, c. 81. Our power is confined to this, that on the production of a certificate in the form prescribed by the Act of Parliament, and the tender of money, we are compelled to grant a licence to a public-house; that is under the Licence Act.

360. Will you state what documents the licensed victualler produces to you before you grant the licence?—He produces a certificate from the magistrates stating that so and so shall be licensed and empowered to sell under the authority of the Act of Parliament, and it is under that, which is a direct command from them, that we issue the licence.

361. He produces the licence he has received from the magistrates?—It is called a certificate, ours is called a licence; the technical instrument from the magistrate is called a certificate, and the technical instrument we give him is called a licence.

362. Sir *G. Grey.*] That certificate absolutely entitles him to a licence, and your duty is simply ministerial?—Simply ministerial.

363. *Chairman.*] Does the licensed victualler enter into any bond, or find any sureties, as the beerseller is obliged to do?—No; in that the publican differs from the beerseller.

364. He simply produces the certificate which the magistrates have granted him?—Yes.

365. Is that a fixed annual sum which every publican pays?—No; it is a fixed annual sum with regard to some articles. With regard to others the price of the licence depends upon the value of the premises.

366. Does the magistrate's certificate state for what purpose he has a licence, and the articles which he is to sell?—No; the magistrate's certificate states that he is to have a licence to sell beer on taking out a licence, and he is entitled,

entitled, on paying an additional sum, to a licence to sell spirits, and to a licence to sell wine. The three licences are separate.

367. Mr. *Barrow.*] If he chooses he may take only a beer licence?—He may. The words of the certificate are, "all such excisable liquors as the said A. L. shall be licensed and empowered to sell under the authority and permission of any Excise licence, and to permit all such liquors to be drunk or consumed in his house, or in the premises thereunto belonging." Then there are provisions which he is not to contravene.

368. *Chairman.*] Then am I to understand that the sum which he pays to the Excise varies with the articles which he sells?—Yes, and in some cases also according to the value of the premises. For instance, a beer licence for a house under 20 *l.* value is a guinea; and if rated above 20 *l.* it is three guineas. Then if he has a spirit licence, he pays according to the value at which the premises are rated per annum.

369. Evidence of which he gives to the Excise upon applying for the licence?—Yes. If we are dissatisfied with the rate which he puts upon his premises, we have the power of valuing them.

370. And there your discretion ceases?—Yes, entirely.

371. A licensed victualler is not required to have any certificate of character from any of the rated inhabitants of the district?—That is entirely managed by the magistrates at the licensing sessions; we have no opportunity of knowing that. The only document which he produces to us, is the certificate of the magistrate, which we exchange for the licence.

372. What are the offences which a licensed victualler can commit, of which the Excise take notice?—We only take notice of his selling any article which he is not entitled to sell; as for instance, if he has a spirit licence, and sells beer; or if he has a spirit licence, and sells wine, because then he is selling *pro tanto* as an unlicensed person. We have nothing whatever to do with any police regulations.

373. Are the magistrates obliged to give notice of any conviction of any unlicensed victualler?—No, they are not, we know nothing of them.

374. Does he apply to the Excise annually?—Yes.

375. The certificate is annual?—The certificate is annual, and the licence is annual.

376. Have you a return of the number of licensed beerhouses?—I have had a return prepared of the number of houses licensed for the general sale of beer, showing the sum at which they are rated according to the certificate required by the Act of the 3 & 4 Vict. c. 61 (*producing the same. The same was delivered in.*) *Vide* Appendix.

377. Sir *G. Grey.*] What is the total number?—There are licensed under the Beer Acts, including those which sell cider also, 41,547.

378. Is that exclusive of what are called licensed victuallers' houses?—Yes.

379. What proportion of those houses are rated under 10 *l.* a year?—There are 1,825 without any certificate; they were licensed before the rating was an element, under the first Beer Act. Then there are 1,154 rated under 8 *l.* a year; 3,816 at 8 *l.* a year; 1,342 at 9 *l.* a year; and 1,666 at 10 *l.* a year; therefore it would be the addition of the four first numbers. The revenue derived from the whole is 128,700 *l.* Of public-houses, there are in the United Kingdom 89,886, of which, 84,787 take out licences to retail spirits; and 29,728 take out licences to retail wine. The amount of the revenue from these licences is, from beer licences 150,553 *l.*, from spirit licences 410,530 *l.*, and from wine licences 65,717 *l.*, being a total of 626,800 *l.*

380. *Chairman.*] Have you continued the returns which you gave in when you gave your evidence before the Committee of the House of Lords, bringing them down to the present year?—I have, and I will hand them in (*The same were delivered in*). *Vide* Appendix.

381. With respect to the authority of the Excise over those licensed victuallers' houses, do you give the same directions to your officers with respect to them that you do with respect to beerhouses?—They have general orders to see that nothing is sold in any particular house which the house has not a licence to sell. The more frequent cases of offence are of sales of wine in houses licensed to sell beer and spirits, but not to sell wine.

382. Your directions are chiefly confined to frauds upon the revenue?—Entirely so.

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383. Are you in the habit of giving Excise commissions to policemen for the purpose of watching any breach of the law in public-houses?—We never do it, except on the application of the magistrates. Whenever an application is made we accede to it at once, and we have stated generally, on applications being made, that we are very happy to do it.

384. What course do the Board take upon information being received of any breach of the law on the part of any of those public-houses; do they direct informations to be laid, as you have stated that they do with regard to beer-houses?—Supposing that a person not connected with the Excise writes to us to complain that there are certain infractions of the law going on at any particular house, we endeavour to make the detection, and if, on the detection being reported to us we think the evidence sufficient, we order an information, and we follow up the information to conviction if possible.

385. Does the Board direct any of its officers to attend at the time when the magistrates meet to grant their annual certificates for the purpose of giving information of any house that has been convicted?—No; because the convictions are necessarily officially before the magistrates. The convictions are prepared by the magistrates' clerks, and they are much more within their cognizance than ours. In fact, they are officially within their cognizance; they are only accidentally known to us.

386. You take no further notice of the conduct of those houses after you have directed your officers to lay informations against them upon receiving evidence that they have violated the law?—None; because the conviction is better known to the magistrates than it is to ourselves.

387. Sir *G. Grey.*] In fact, the magistrates who grant the certificate upon which the licence is obtained are the same magistrates before whom the information would be laid, and who would adjudge the conviction?—No doubt; that is, they form part of the same bench; they act in the same district, excepting in London.

388. *Chairman.*] You have no evidence supplied to you of the number of convictions of licensed victuallers' houses throughout the country?—None; I have a return here which I will put in with others, stating the number of convictions of publicans for offences against the Excise laws; but those constitute a very small proportion of the whole number of convictions.

389. Is there anything now in the law regulating licensed victuallers' houses as it affects the revenue, which you would suggest to be amended?—I think it very doubtful whether it would not be better that the parties should have one general licence, allowing them to sell beer, spirits, and wine; because, if a party takes out a licence for beer, for instance, there is a very great temptation to him to sell spirits; and if he sells beer and spirits he has a very great opportunity, and therefore there is a very great temptation, to him to sell wine without a licence. It is liable to objection, but I think it would be a much more simple mode.

390. What does he pay when he takes out the three licences?—He may have a licence to sell beer, spirits, and wine, for 5*l.* 10*s.* and a fraction.

391. Have you considered whether, if the expenses of the licences were made uniform, it would be better that the beerhouse licence should be raised, or that the licensed victualler's licence should be reduced?—I think it would be better to raise the licence of the beerhouse.

392. With respect to those three licences that a licensed victualler might take out, supposing there was an uniform licence, would you say that the payment should be reduced to those who pay more, or that it should be raised to those who pay less?—I do not think 5*l.* 10*s.* is a high sum for a licence to deal in beer, spirits, and wine.

393. Sir *G. Grey.*] Then every person keeping a licensed beerhouse would, if your recommendation were adopted, be at liberty to sell spirits also?—He would. The great difficulty which is felt at present both by the Excise and by the police is, that the house having a licence to sell beer, and a number of parties resorting to the house, there is an opportunity and great temptation to evade the law by supplying people with spirits.

394. Your recommendation I presume has reference only to the revenue. You do not take into account the consequences that might result from allowing those houses to sell spirits as well as beer?—I look at it certainly chiefly in a revenue point of view.

395. *Chairman.*] Do you think that the revenue would gain, supposing there was that change made of having one uniform licence for the sale of beer, spirits,

and

and wine?—I do not think it would gain so much as the raising the rate of the licence would appear at first sight to indicate. I think it would have a tendency, probably, to decrease the number of houses.

396. To whom are the penalties paid when convictions take place; do they go to the revenue?—The penalties go entirely to the revenue, unless there be a common informer. If the information comes from a person not connected with the revenue, he is by law entitled to one half of the penalty. If the information be laid, as is usually the case, by some person who holds an Excise commission, he is precluded by law from any share, and the whole penalty goes to the Consolidated Fund.

397. Have you any return of the amount of penalties paid upon convictions of all classes of houses licensed?—I do not recollect that any such return was ever moved for. It is not within the cognizance of the department what is the amount of penalties.

398. Supposing there was but one licence, have you ever considered in what mode a person should acquire it; at present there are two modes of taking out licences from the Excise; how would you change the law in that respect?—That is entering upon a very different and very large view of the subject.

399. As regards the revenue, have you formed any opinion whether the two modes of obtaining licences differ in their results in any way; and can you state which of the two would be the most favourable to the revenue?—The greater facility there is of obtaining a licence the more favourable the result for the revenue. I think the revenue would to some degree suffer, if the magistrates' certificate were required in every case of licence.

400. Do you suppose that the circumstance of the magistrates granting the licence creates any difficulty in obtaining it?—Very great.

401. Is the complaint usually made with respect to magistrates granting the licences, that there is a difficulty on the part of persons in obtaining them, or is it that they are granted to persons who ought not to have them?—Both; we have continual complaints that the magistrates withhold licences, and that they are granted without a satisfactory reason being assigned. It is supposed by a great number of people in the country that we have a controlling power, and therefore when at the licensing sessions a licence is refused, it frequently occurs that the parties so refused apply to us. Our universal answer is, that we have no control over the discretion of the magistrates.

402. The complaint that reaches you is from some individuals who have been disappointed; it is not from the district, complaining that there not a sufficient number of public-houses, and that the magistrates refuse to license a house by which the convenience of the district would be promoted?—We have had complaints of that kind; such as, for instance, a large hotel has been built at a watering place, and the magistrates have declined to grant a licence. We have had not infrequent complaints. An appeal is made to us to grant a licence, the magistrates' certificate not being obtained. Our answer has been that the law has vested the discretion entirely in the magistrates, and that therefore we could not interfere.

403. Do those people who have been so refused by the magistrates get a beer licence?—Occasionally.

404. Have you ever heard of a case, where a great hotel has been refused a licence, and another hotel has been licensed in the same neighbourhood?—Such matters have been stated to us; but probably the Committee will recollect, I think in the year 1827, there was a Select Committee of the House of Commons, on which I sat, and Sir James Graham and myself introduced a clause giving a power of appeal from the Justices in Licensing Sessions to the General Quarter Sessions of the Peace, and I believe that that law has silently worked very well; that licences have seldom been refused since that time, except for some sufficient reason, that is, for some reason that would bear investigation at the Quarter Sessions.

405. Is that upon the occasion of the renewal of a licence, or of an original application?—Either. I remember one or two particular instances which led me to suggest that clause, and those instances were of large hotels being built at watering places; and the magistrates, at licensing sessions, had, without any reason, for one or two years refused licences to those hotels, continuing the licences to one or two, as it was alleged, very low public-houses in the same watering place. On the next licensing day after that appeal was granted,

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the licence to one, and I believe to both the hotels in question, was granted without the least objection.

406. But it is not a complete check, since you hear complaints still?—Yes, we have frequent complaints.

407. As regards the revenue, are you of opinion that if there was more liberty to a person to obtain a licence, and less discretion vested in the local magistrates, more houses would be established, and that the revenue would profit thereby?—It is possible that it might; but perhaps I may be allowed to say that I cannot look upon this quite as a revenue question. I think that the licensing system wants very considerable reform, and that it would be a very great nuisance if parties were allowed to open public-houses without some check.

408. Mr. *Barrow.*] Since the power of appeal was granted in 1827, have you had many instances of the refusal of licences by the magistrates without sufficient grounds?—My experience of the refusal of licences is of a much posterior date, because I did not become chairman of the Excise, and therefore was not cognizant of these matters, till the year 1838. Complaints are certainly frequent; but I have great reason to believe that the power of appeal diminished the causes of those complaints very materially.

409. Have the complaints made to you since that time been complaints from individuals, rather than from the people in the neighbourhood, complaining of the want of accommodation?—I do not think we have any instances of complaints from neighbourhoods as to the want of accommodation; they are complaints from individuals. I have occasionally seen memorials signed by a great number of individuals, stating that they thought the refusal of a licence a very hard case, and the answer in such cases is, "Let the party appeal to the quarter sessions."

410. Are you aware of any cases in which the parties have satisfied you, that by the refusal of the magistrates to grant the licence in question the neighbourhood was left without sufficient accommodation by the other existing public-houses?—No; it is generally the complaint of an individual.

411. *Chairman.*] Are the magistrates who hear the appeal, some of them at least, those magistrates who have refused the licence?—No. Under the 9th of Geo. 4, c. 61, s. 27, magistrates refusing to grant the licence cannot sit upon the appeal which is made to the quarter sessions.

412. Do you think the revenue would suffer if the trade were thrown open, and proper securities taken for the good character of the publican and the good conduct of the house?—On the contrary, I think the revenue would be improved.

413. You do not think it would limit the number of houses seeking licences for the purpose of selling spirits?—No, I do not think it would. It would depend very much upon the machinery by which the licence was to be obtained, and upon the facility, or otherwise, of obtaining it.

414. Are you aware of any evasion that takes place now under the provision of the law that requires security to be given, and a bond to be entered into, by the persons who own those houses paying the penalty for the publican or beerhouse-keeper who occupies them?—I am not aware of any instance of the bond being put in suit.

415. Is that because the penalty is paid?—The penalty is paid generally.

416. It is in the case of the penalty not being paid that the bond would be put in suit?—Yes. In the case of beerhouses, if the party cannot pay the penalty he generally goes to prison, and we consider his being sent to prison a more effectual punishment than putting the bond in suit and prosecuting the sureties; he either pays the penalty or goes to prison. We should not send him to prison till we had exhausted his property by putting in a distress.

417. When is the bond put in suit?—No, the bond is not necessarily in suit. I believe there are very few instances of the bond being put in suit.

418. Are there any instances of sureties being sued?—I think none.

419. Then the man becomes surety with a conviction that he will not incur any responsibility by doing so?—I believe he does.

420. Then, in fact, it is no security at all?—I do not think it has much effect.

421. Have you heard of persons paying the penalty without the beerseller or the publican being sent to prison?—In a great majority of instances I think the penalty is paid, and the party does not go to prison.

422. But it is not within your knowledge that the person owning the house pays the penalty for him?—No, I am not aware of that.

423. I collect from what you have stated, that you think it would be an advantage, and a decided improvement in the present system, if the power of obtaining a licence were more free, better securities being taken for the good conduct of the house?—Certainly.

424. Do you think those houses would be managed better than they are at present, if the law were made in some respects more stringent, and it were left to the police to enforce the law?—Yes.

425. At whose expense is any information laid against any publican who has offended against the law?—If it is an offence against the revenue, it is laid at the expense of the Crown.

426. Whenever any information is directed by your Board, the Crown pays the expense?—Yes.

427. But if anybody else were to indict a house, or to lay an information against a house, they must do it at their own expense?—I believe there are certain cases in which the parish authorise prosecutions; but I am not aware at all of prosecutions, excepting as far as regards the prosecutions at the suit of the Revenue.

428. Whenever any of the police, acting under commission from the Revenue, lay informations, are those paid for by the Crown?—If the information be ordered by us for an Excise offence, we pay the expense; we conduct the proceedings, and we pay the expenses.

429. In some cases the police give information against beerhouses for offences against the revenue laws without having commissions from the Excise?—Yes; in those cases we take no cognizance of them; we are not applied to for the expenses, and if we were we should not pay them.

430. Does the expense in those cases fall upon the county?—Yes.

431. Sir *G. Grey.*] Those cases would be dealt with like any other informations laid by the police?—Yes.

432. *Chairman.*] Supposing there is an appeal against the decision of the magistrates, in a case where they avail themselves of the clause which you procured to be inserted, is there any provision made for the expenses of the magistrate being paid in resisting that appeal?—The magistrates at quarter sessions, where the appeal is heard, may, if they think fit, order the expenses to be paid either out of the county purse or by the appellant.

433. Sir *G. Grey.*] If the appeal is dismissed, and it is considered an unreasonable one?—Yes, if it is brought under such circumstances as to induce them to do it.

434. *Chairman.*] Can you state what is the limit of the sum that can be legally recovered for beer or spirits sold by retail?—By the 24 Geo. 2, c. 40, any debt incurred by the sale of spirits less than 20 *s.* at a time is not recoverable in England. In Ireland, by the 35 Geo. 3, c. 19, no money can be recovered for spirits sold in quantities less than one pint; it is under what is called the Tippling Act.

435. Are there any suggestions that you can make to the Committee that you think would have the effect of further protecting the revenue, and at the same time securing the public proper accommodation, and securing also a more respectable management of these licensed houses?—The revenue I do not think suffers materially under the present regulations. I think there are very great anomalies in the present mode of granting licences. I do not see why public-houses should be under one set of laws and beerhouses under another; but it would certainly require very great consideration to alter the law; and there are very extensive interests involved in the question.

436. The only houses to which you grant licences are places of public resort, where they sell spirits and beer?—And wine. But if I were altering the law I should certainly wish to see coffee-houses and all houses where liquors of any kind were sold, included under the same general law. I believe that in the coffee-houses, over which we have no authority, and I believe the police very little, spirits are sold very much indeed.

437. But not illicit spirits?—No; but the revenue is concerned to the extent of the spirits being sold without a licence. I believe the chief opportunity of getting rid of illicit spirits, particularly in town, is as solvents; that is, for varnishes, and all processes in which spirits are used otherwise than for drinking; that the flavour of illicit spirits is so inferior as compared with the flavour of those distilled in licensed distilleries, that there is comparatively a very small consumption of illicit spirits for the purpose of drinking.

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438. Have you formed any opinion in what respect the law might be made more stringent, if you granted licences with the same freedom to all classes of houses?—I think that in the first place it might be very unjust and impolitic to raise the rate of the house in which beer or other liquors are to be sold; that if you were to raise it, particularly in country districts, above 8 *l*, you might commit very great injustice and subject the neighbourhood to considerable inconvenience. But I think that more care ought to be taken as to the certificates of character which are required, and that probably might be accomplished by requiring those who give certificates of character to enter into securities for the good behaviour of the parties for whom they certify; I think the law should say to them, You must not only certify that he is a proper person to receive a licence, but you must also join in a bond for his good behaviour, and that nothing shall be done contrary to the tenor of his licence. I think that would prevent a number of people from giving their names, which they now do as matter of course, and merely from a feeling of good nature, knowing that no responsibility attaches to them. I think that certificates of character are much too loosely given in this country.

439. Have you any suggestion to make with respect to greater facilities for detecting offences committed in those licensed houses?—I think the police might be armed with larger powers than they have at present. For instance, the police enter a licensed house, and tell the publican that he has suspicious characters there, and desire the publican to turn them out. Perhaps there may be 40 or 50 people there; the publican has not the physical power of turning them out, and the police have not the power to turn them out themselves. They can only interfere, I understand, in case of an assault being committed in their presence; I think the police ought not only to have the power of requiring the landlord to clear his house, but that if the landlord asks for their assistance they ought to be compelled to clear it for him. If the police state that a house is at the moment the resort of disorderly characters, and that there are reputed thieves and prostitutes and disorderly company there, the landlord ought immediately to be able to avail himself of the assistance of the police, and say to the police, "Turn them out; clear my house." I believe they not unfrequently do so. The police state, "We have no power to interfere, unless we see an assault committed." Then the landlord may begin to turn them out, and if in the course of turning them out an assault is committed, the police can interfere. It would be much better to arm the police with the power of preventing any such assault by clearing the house at once at the request of the landlord.

440. You think that offences are committed in consequence of the difficulty the publican has of clearing his house?—I believe so. Many respectable publicans would be glad if the police had that additional power, and if they had the power of compelling the police to assist them.

441. Have you heard that there is a difficultly in getting evidence of offences committed in those licensed houses?—I believe there is considerable difficulty.

442. Can you make any suggestion with the view of giving greater facilities of obtaining evidence?—I am not aware of any, except that in Ireland, they have a very useful Act which I alluded to in my examination before the Committee of the House of Lords, which is popularly known as the Shebeen Act. There the constabulary, or a certain rank of officers in the constabulary, may go before a justice of the peace, and state that they have reason to believe that spirits are sold in a certain house which is unlicensed, and on such application on oath, a justice of the peace has the power to issue a warrant to the officers so applying, and they may enter the house; and if, on entering the house they have reason to believe that spirits have been consumed there, that there has been tippling there recently, they may take the parties they find in the house, and who they have reason to believe have been concerned in such tippling, before a justice of the peace, who fines them 5*s*. each, or commits them to prison; there is no occasion to prove the actual sale of spirits, or the actual drinking of spirits, but that there is a case of strong suspicion, of reasonable suspicion, namely, that parties are found there who are tipsy, or that there are indications evidently of drinking, either from the smell of spirits, or by finding vessels which have recently contained spirits; if that Act were put in force in Ireland, I believe the Shebeen houses might be completely annihilated in the course of a month.

443. Then the Act exists and is not put in force?—It exists and is not put in force, because the law officers of the Crown have given an opinion that the word "officer" of constabulary means an officer of a certain grade. I believe the framers

framers of that Act meant that "officer" should be equivalent to "officer of Excise;" that is, any person employed in the constabulary; but the word having been (I think very unfortunately) so interpreted, the Act is almost inoperative. I hope, and have some reason to believe, that the Act will be amended, because I believe that if it were amended, the Sheebeen houses, in one month, might be effectually suppressed.

444. You would give larger powers either to the police or to your own officers in the country, with the view of enabling them to get evidence more easily than they do now of offences that are committed in those houses?—I would. I would not make it necessary, as it is usually considered by the magistrates, to prove that money has passed.

445. You think the revenue would benefit by further extending the present powers of the police, and of the Excise officers?—I have no doubt it would.

446. And with a view to the revenue you would recommend such extension of their powers?—Yes; I do not say that I would recommend the exact extension of the Irish Act, because the circumstances of this country are very different.

447. But you would make everybody liable who is found in a beerhouse where an illegal act had been committed?—Where you find that spirits have been consumed; wherever you have reasonable ground to believe that spirits have been consumed in a beerhouse, I would make all the parties found in the house primarily liable as concerned in an illegal offence; I think it would be *primâ facie* evidence if parties are found in a place where spirits are so consumed; because it is excessively difficult in beerhouses to get evidence sufficient to insure a conviction under the present law.

448. You would make those persons liable upon evidence of spirits being consumed, without being able to fix upon any one person as having consumed them himself?—I would take the persons in the same room; if the parties were in different rooms, and I found that spirits had been consumed in one room, and not in another, I should not make every person liable in the house.

449. Sir *G. Grey.*] If you find spirits consumed in any house without a licence, is not the owner of the house liable, as being guilty of the offence?—The landlord is the person guilty.

450. Would it facilitate your getting evidence to convict the landlord, if you made other persons found in the house also liable for the offence?—It would deter persons from frequenting such houses for the purpose of consuming spirits.

451. But it would not afford you additional evidence against the landlord of the house?—Not as against the landlord.

452. *Chairman.*] You consider that there are difficulties now in getting the landlord of the house convicted of an offence?—Very great.

453. Is there any instance of the authority of a police constable being extended to an Excise officer?—Certainly not; their powers are quite distinct. The only privilege which the granting of an Excise commission gives to the police constable is, that he has the power of seizing spirits either *in transitu* or in unlicensed places.

454. Sir *G. Grey.*] It has been stated that sufficient vigilance does not appear to have been exercised by the inferior officers of Excise in preventing the consumption of spirits in houses only licensed for the sale of beer. Taking the country districts, is there generally a sufficient number of Excise officers in the country districts to be able to exercise constant vigilance over the beerhouses?—Certainly not.

455. Do you think it possible that such vigilance can be exercised, or that the provisions of the law for preventing disorderly conduct in beerhouses can be enforced, without an efficient police?—I do not think it can; I do not think it was ever the intention of those who framed our revenue laws that our men should be partly employed in police matters.

456. Mr. *Brown.*] If a licence was granted to a public-house or a beerhouse with proper securities, would you consider it necessary to look to the value of the house, or would you look merely to the securities for the good conduct of the house. Is not the value of houses so different in different places, that that may or may not be a proper criterion?—I think it would be much more just to look to the securities than to the value of the house. The value of the house has been considered some sort of test of the respectability of the party, but I think that the more efficient and more available test would be the nature of the securities which he offers.

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457. If it was imperative on the magistrates to convict upon the offence being proved, and if, after a second or third conviction, they were compelled to put the bond in force against the offender, and there was no power of obtaining a mitigation except by a reference to the Treasury, would not that in a great measure secure the putting the penalty into force?—I do not think the Treasury would be the proper court of appeal. The Treasury would have no opportunity of ascertaining the facts. The magistrates know the facts, and adjudicate upon them. The Treasury could only act upon the representation of the party. I think you could not expect that the Treasury would, without very strong evidence, alter the decisions of the magistrates. At present, in all the penalties which have relation to the Excise, the appeal is to the Board of Excise, and it is exercised in this way. We require from an officer a very full report of the circumstances of the individual case; and we also almost invariably write to the magistrates to inquire whether they have any suggestions to make as to maintaining the penalty at the amount at which they have fixed it, or decreasing it, and we generally adhere to the recommendation of the magistrates. But I think the inclination of the magistrates is usually towards mitigation below what the Act of Parliament allows. The magistrates are allowed by law to mitigate to one-fourth of the actual penalty, and I think that their general inclination is to mitigate below that fourth, in which case, at the hearing, they request the excise officer who is in attendance to represent to the Board that they have no objection to a further mitigation. I think the Treasury would not be the proper party to appeal to, because they would have no facts upon which to form their judgment.

458. Supposing that, instead of the Treasury, it was the quarter sessions or the county court, or some other tribunal to which the party who considers himself aggrieved by the weight of the penalty might appeal, would that, in your opinion, meet the case?—In all cases there is an appeal to the quarter sessions from the decision of the magistrates in petty sessions.

459. But you would make it imperative upon the magistrates, in the first instance, that they should convict upon the offence being proved, and that, upon a third conviction, they should enforce the bond, subject to an appeal to the quarter sessions?—The magistrate is bound by law to convict, if the evidence brought before him is satisfactory.

460. But in many cases, hitherto, you are probably aware that the magistrates do not put the bonds in force?—No; I am not aware of any instances in which the bonds have been put in force.

461. But might you not take away the discretionary power from the magistrates, as you do in the seizure of tobacco; if a man is convicted of having smuggled tobacco the magistrates have no power but to convict in 100*l.* penalty, the party having an appeal to the Treasury for relief. Instead of an appeal to the Treasury, you would, in this case, have an appeal to the quarter sessions or to the county court?—I think the present power of appeal to the Board of Revenue is more desirable than either to the county court or to the quarter sessions; because the Board of Revenue, which is affected by the conviction in question, has probably the means of collecting the facts accurately with the least expense and trouble.

462. You prefer the Board of Revenue to any other court of appeal?—I think as to mitigation of penalties it is the preferable appeal.

463. Mr. *Barrow.*] The bonds which are taken at present by the Excise, are bonds given for the payment of the penalties which the parties may incur; so those bonds could only be put in force to secure the payment of the penalties levied upon conviction?—Yes.

464. You are aware that for many years it was necessary, under the old Licensing Act, to take securities for the non-infraction of the conditions of the licence?—I know that was so under the former Act.

465. Are you aware of any instance in which any bond of that sort was ever put in force?—No; but you are speaking of a time beyond my experience at the Excise.

466. Mr. *Brown.*] Would it not be proper to make it imperative upon the magistrates to put those bonds in force?—I believe it would be a great improvement upon the law, if persons selling excisable liquors of any denomination entered into securities, and if those securities were made available in case of any infraction of the licence.

467. *Chairman.*] You would leave no discretion in the magistrates; when it has

has been proved that the law has been broken you would have the penalties enforced; and if the person would not pay, you would enforce it against the sureties?—Yes.

468. Sir *G. Grey.*] By whose authority could the bond which is given by the sureties of a licensed victualler be put in suit?—The bond from the beer-seller is given to the Crown, and it could only be put in force by the authority of the Crown; that is, by the Board of Revenue to whom it is given; it is a bond given to the Excise.

469. In the event of a conviction before the magistrates, and the imposition of penalty which is not paid, have the magistrates the power of putting the bond in suit; or can they put the bond in suit, and commit the party to prison, in default of the payment of the penalty?—Thay can only commit to prison in default of payment of the penalty, but they might apply to us to put the bond in force.

470. Have you been in the habit of receiving such applications from the magistrates?—Never.

471. Without such an application you could not put the bond in suit, because you would not know that any occasion for it had arisen?—No; if we put the bond in suit, without full evidence, it would be very improper.

472. And therefore the default as to putting those bonds in suit in such cases practically rests with the magistrates?—Entirely so.

473. Mr. *Brown.*] Do you think it would be proper to license toll-houses to sell either beer, spirits, or any intoxicating liquors?—I have heard very great objection made to that, because a person going along the road must necessarily stop at the toll-house, and there is a temptation to him to drink; but I think in all those matters there ought not to be any general exclusion; there ought to be a discretionary power somewhere or other.

474. *Chairman.*] I believe the custom in Scotland differs from that in England, and that persons may sell spirits and sell other things as well in Scotland?—Yes; I believe it is matter of custom, not of law. I do not know that there is any law in England that should prevent grocers from holding a licence. There are very few cases in England in which grocers do hold such licences, but there are such cases.

475. Then the licence that is taken out need not be exclusively for the purpose of selling beer or spirits; the person might have a licence to sell other things?—Yes; there are a few instances in England; but the practice in the two countries is different; there are a few instances of persons exercising the business of publicans and shopkeepers.

476. Can grocers sell spirits without going through the same process that anybody else does, who applies for a licence for the sale of spirits?—No; the same law applies to them as to others. I take it that the question refers to this. There is at present a great effort being made in Scotland to prevent grocers holding spirit licences, because it is supposed that parties going to a grocer's shop under cover of buying groceries indulge in spirit drinking, and it is a great question which agitates the magistracy.

477. Have you considered what the effect would be of allowing people who sell groceries to sell sprits?—It is a question rather for the magistrates and police than for a revenue officer; no doubt the sale of spirits in grocers' shops gives a facility for procuring them by persons who would not, perhaps, go directly into an avowed dram-shop, but who go into a grocer's shop, and take the opportunity of drinking spirits.

478. But in arranging the licensing system, you would not confine the sale of spirits to particular houses, excluding them from the right of selling other things?—No, I think not.

479. Lord *D. Stuart.*] Has there not been a law passed lately, allowing grocers to sell sweet wines without licences?—They are allowed to sell sweet wines by licence. By the 6 Geo. 4, c. 81, which is the Excise Licensing Act, any person may take out a licence to retail sweets or made wines, or mead or metheglin (which is, I believe, honey water), on the payment of a guinea.

480. Do you know the effect of a Bill called the Maraschino Bill?—The Bill which is popularly so called is, in my opinion, a very imperfect Bill, and ought most certainly to be amended. I think it is one of the most unjust restrictions upon the public and upon shopkeepers which I recollect to have been passed. The case is this, that no person not holding a licence to retail spirits to be consumed upon the premises, can sell spirits in a less quantity than two gallons.

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481. When was that Act passed?—It is the 11th and 12th of Victoria, c. 121, s. 9. Persons holding licences to sell by wholesale are restricted generally by the law from selling less than two gallons of spirits. The successive Chancellors of the Exchequer have brought forward amendments of the law, wishing to reduce the quantity of spirit so sold to one quart, because it was felt to be a very great hardship, that persons wanting a single bottle of brandy, or rum, or Geneva, or any English spirit, or any liqueur, should not be able to buy less than two gallons; but the publicans, who are a very powerful body, and very efficiently represented by secretaries and solicitors, and so on, whenever that matter has been mooted have taken the alarm, and they have had influence enough with the Government and in the House of Commons, to prevent what I think a very just amendment of the law being carried. And all that has been effected by the Maraschino Act (as it is popularly called) is this, that persons taking out an additional licence, a retail licence, being already possessed of a 10 guinea licence, may sell a single bottle of any foreign liqueur.

482. Sir *G. Grey.*] What was the object of the Act?—Public convenience demanded that a less quantity than two gallons of spirits should be sold; the original object of the Act was, that a single bottle of spirits should be sold, not to be consumed on the premises, by any holder of a wholesale licence. The publicans thought this would interfere with their privilege. In that I think they were completely mistaken, and that the wants of the public required that single bottles of spirits should be sold. If the Committee will allow me, I will state a case which will illustrate it. Take Brighton, or any other watering place. A family go there, and order from their wine merchant a dozen or two of wine to supply their wants while they are there; but the wine merchant, though holding both a wholesale spirit and a wholesale wine licence, each of which have cost him 10 guineas, cannot sell to any such customers any spirits in less quantities than two gallons. Nobody wants two gallons of spirits in such a case; but the temptation is so great that the infractions of the law are very numerous. I do not believe that the interest of the publicans is concerned. But the publicans have always said, "You may go to the public-house for it." A person does not like to send his servant to a public-house for a single bottle, or a small quantity of spirits; he very much prefers dealing under such circumstances with his usual wine and spirit merchant.

483. You do not mean that that Act was passed in order to protect the publicans against interference with their custom by the wine merchants?—No; on the contrary, the Act was passed in order to protect the spirit merchants in what was considered to be their legitimate trade; that is, supplying single bottles of spirits. A gentleman going to a watering place would probably require three or four dozen of wine, and not above one or two bottles of spirits; and it was considered very hard that he should not have the privilege of buying spirits in quart bottles. The publicans defeated the Government, and the privilege is confined to the sale of liqueurs.

484. Mr. *Brown.*] Would it not be an improvement if grocers, or wine merchants, or spirit dealers, who are permitted to sell a single bottle, were prohibited from selling it in any other measures than the legalised imperial quarts or pints?—I believe that by law a person selling in less than a legal measure cannot recover the amount; and I think it is a very great protection and convenience to the public that legal measures should be adhered to.

485. That they should not be allowed to sell less than the imperial quart measure in a quart bottle, and the same as to other measures?—Yes; I think that every measure should be actually what its denomination professes; that the bottle should be a real quart bottle, or a pint, or a half-a-pint, according to what it professes to be; I believe the quart bottles generally now hold about one-third less.

486. Lord *D. Stuart.*] You have spoken of the great power of the licensed victuallers, and of the efficient manner in which they are represented; have you any idea of the value of the interests of the licensed victuallers?—I believe that, under the present licensing system it is immense; that is, the value of the property possessed or held by the licensed victuallers is immense. A very large proportion, especially in large towns, of the houses occupied by licensed victuallers is understood to be the property of brewers; but that is a subject with which I am not particularly conversant. There is a great deal of evidence already before the House upon this subject; the reports of former Committees, of which the Committee

mittee have ordered reprints, go largely into that subject and into the police management.

487. Sir *G. Grey.*] Are you aware whether that is the case to any extent with the beerhouses also?—Yes, to a considerable extent, I am told: I understand that they are the proprietors, particularly in the country, of beerhouses to a very great extent.

488. *Chairman.*] I presume that generally those persons have no interest in those houses not being well conducted, and would not oppose any fresh regulations that might be suggested for that purpose?—I should think not.

489. Mr. *Brown.*] The brewers, as the owners of those houses, have no vested right to have the licences continued to them from year to year?—Certainly not, because the discretion as to public-houses rests with the magistrates. As to beerhouses, the obtaining of the licence depends on other circumstances, on the house being certified for by a certain number of rated inhabitants.

490. I believe under existing circumstances the mode of granting the licence by the magistrates is that they license A. B. to keep a licensed victualler's house in such a street, such a number?—That is set forth in the Act. The certificate which entitles him to an Excise licence is always in the form of the Act.

491. Sir *G. Goodman.*] With respect to the difficulty of which you have spoken, with reference to not selling a less quantity of spirits than two gallons, is not that in a considerable degree obviated by the licence to dram shops to sell small quantities?—I do not think it is. It is not considered desirable by gentlemen generally to send their servants to a dram shop. A gentleman would prefer usually to deal for small quantities, as much as a bottle or two, anything under two gallons, with his accustomed wine merchant. It would be a great convenience to families if they were allowed to go there instead of sending their servants to public-houses; and I think also that persons would consider, whether justly or not, that they had greater security for the quality of the article.

492. Sir *G. Grey.*] You have spoken of the magnitude of the interests concerned, as making it necessary to exercise great caution in adopting such an alteration of the law as that which has been suggested. How would those interests be affected, if the mode of granting licences was made uniform, as you have recommended?—I think that, under the existing laws, a vast quantity of property has attained a value which it would not have done, if the power of granting licences had been vested in a different tribunal; and as that property has acquired that value under the existing laws, great caution ought to be used, even if public policy required an alteration of the tribunal granting the licence.

493. You mean that giving greater freedom to obtaining licences would affect the value of the present licensed houses, by increasing the number of houses to which licences would be granted?—Yes. For instance, I think that the tribunal for granting licences might be very much improved. The Legislature prevents very strictly, any brewer or distiller, or any relation of a brewer or distiller or wine merchant, within a certain degree of relationship, from sitting on the bench at the licensing sessions. If the present system of granting licences is continued, I do not think that that restriction is sufficient.

494. What other restriction would you suggest?—I should prevent any distiller or brewer, or any dealer in wine, or beer or spirits, from being in the Commission of the Peace.

495. Sir *G. Goodman.*] Is not that the law already?—No.

496. Sir *G. Grey.*] Although there is no legal disqualification, are you aware what the practice has been with regard to issuing Commissions of the Peace in boroughs. Has not the rule laid down practically excluded brewers, maltsters, and practising attorneys from being in the Commission of the Peace for boroughs?—I have understood that the Home Office has laid down a rule, excluding from the bench any brewers, and persons connected with the trades in question.

497. Earl of *March.*] That would only refer to fresh appointments in boroughs?—Yes.

498. *Chairman.*] It is only in the cases of the sale of spirits and beer, that you make the granting of the licence conditional upon receiving the certificate of the magistrates, or the certificate of the overseer?—We cannot grant a licence for the retailing of any exciseable liquors without either the certificate of the magistrates, or in the case of beer, without the certificate of the overseer.

499. Among the different cases in which you grant licences for the sale of any articles, this is the only instance in which, before granting such licence, you must

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must have the certificate of the magistrates?—Certainly. We grant a great number of licences to various Excise traders, independently of publicans and spirit merchants, without any certificate or any reference at all, merely on the application of the parties.

500. Sir *G. Grey.*] Without exercising any discretion?—Without exercising any discretion.

501. The parties, upon paying a certain sum, are entitled to their licence in those cases?—On making entry of the premises upon which they intend to exercise their respective trades. They tender us the amount of the licence duty, which we receive as a matter of course; in fact they have a right to demand the licence, such as maltsters, paper-makers, soap manufacturers, auctioneers, and brewers.

502. You put no restriction, by your mode of granting those licences, upon the freest competition in those trades?—Not the least.

503. *Chairman.*] Would you say that greater frauds are committed upon the revenue by persons taking out licences in that manner than by persons taking out licences for the sale of spirits, which have the previous certificate of the magistrates?—The frauds depend upon the opportunity offered by any particular trade for their commission; and there certainly is much more opportunity for the commission of fraud by publicans, and spirit dealers, than by persons exercising trades, such as paper-makers or maltsters.

504. Then you think that more depends upon the extent of opportunity given for committing fraud, than upon the certificate of the character of the person selling?—I should think so.

505. There are temptations to the adulteration of some Excise articles?—There are.

506. Do you think that that would be checked by having a certificate from the magistrates previously to granting the party a licence?—I do not think the certificate of the magistrates is of much value; I think that one thing which is much wanted, among other regulations, is, that where parties give certificates of character, the parties giving those certificates should make themselves liable to some extent for the party to whom the licence is granted.

507. And making the imposition of penalties compulsory upon the detection of the offence?—Yes, but leaving of course the power of mitigation. The law generally fixes a very high amount of penalty, but there must be a discretionary power, because the same amount of penalty will not suit every offence, though the offence may be nominally the same.

508. I understand you to say that, according to your belief, the magistrates prefer sending the offender to prison rather than enforcing the penalties or calling upon the sureties to pay the fine?—That appears to be the fact, according to their practice.

509. You would rather recommend that the fine should be enforced, and that if the person cannot pay it, then his sureties should be compelled to pay it?—Yes, I think that would have a good effect.

510. Do persons who are licensed to sell other things than beer or spirits enter into any bond or find any sureties?—No.

511. Would you make any alteration in that respect?—No; we have 134,000 persons licensed to sell tea and coffee.

512. Is there any surveillance exercised by your officers with respect to those persons, to see whether they sell those articles with adulteration?—Yes, there is. We convict persons continually of selling adulterated tea and pepper; we convict them for various offences.

513. Do you withhold the licence in future if they have been convicted?—No, we have no power to withhold the licence. The licence in all those cases is an annual licence, and is not in the least affected by the conviction of the parties.

514. They are subject to a fine?—They are subject to a fine, and to imprisonment if the fine be not paid.

515. Sir *G. Goodman.*] Would you recommend that the law should be altered and enlarged with reference to public-houses; and would you at the same time limit beerhouses from selling for consumption upon the premises?—I do not see any reason whatever for the distinction between public-houses and beerhouses. It may be desirable that certain houses should not sell for consumption upon the premises. But I think it would be very desirable that, taking certain precautions against

against infractions of the laws, both the revenue laws and the laws of good conduct, all trades should be as free as possible.

516. Sir *G. Grey.*] Does not the distinction already exist in the form of the licence, so that a licence may be obtained for a house in which beer is intended to be consumed upon the premises, and a licence may be obtained for a house in which it is not intended to be consumed, but only sold?—Yes.

517. What is the difference in the amount paid for the licence in those cases respectively?—They are one guinea and three guineas, with the addition of five per cent. in each case.

518. Are there many cases in which a licence is taken out merely for the sale of beer without allowing its consumption upon the premises?—Yes.

519. *Chairman.*] Can you state whether a licence is ever taken out by tradesmen who are not exclusively beersellers, but who follow other businesses besides?—I believe it is.

520. Do you believe that beer is sold in shops dealing in other articles?—Yes; it is sold frequently in chandlers' shops.

521. Under a licence for sale, but not for consumption upon the premises?—Yes.

522. Is there any particular abuse of that privilege which has come within your knowledge?—There are great complaints, that parties having a licence to sell beer to be consumed off the premises are very apt to give facilities for its consumption upon the premises.

523. Have you any observations to make with respect to the restrictions existing upon places of public resort with respect to the sale of spirits, or the sale of other articles taxable to the Revenue?—There are some very anomalous cases, as for instance, in theatres. The law authorises the proprietor of a theatre to have a licence for the sale of excisable liquors without the magistrates' certificate, it being supposed that the licence which he must have obtained from the Lord Chamberlain, and the restrictions imposed upon him by the Act of Parliament, are a sufficient security for the licence not being abused. But, by a Treasury Order, we are not allowed to issue a licence, and the consequence is, that if the sale of excisable liquors within a theatre is proved, we are reduced to a very disagreeable dilemma. The man has applied for a licence, which, I believe, by law he is entitled to have; we refuse to give it him, and he then sells without a licence. It is rather hard to prosecute him for selling without a licence, we having refused him a licence. I do not know that any great practical evil results from it, for I believe the police are so vigilant that the theatres are not much complained of with respect to drunkenness. But certainly it is a very great anomaly that the law should entitle a man to a licence, and that we should be prevented from granting that licence, and yet be occasionally called upon to prosecute, and therefore we do not prosecute.

524. Sir *G. Grey.*] You would not refuse a licence if the magistrate's certificate were produced to you?—Then we could not; but the Act of Parliament expressly provides, that a party having a theatre shall not be required to produce the usual certificate of the magistrates.

525. What is the date of that Act?—The 5 & 6 Will. 4, c. 39.

526. What is the date of the Treasury Order which restrains you from granting a license?—The 11th of September 1835.

527. *Chairman.*] Does the restriction with respect to theatres apply to wine?—Yes.

528. Sir *G. Grey.*] Have you ever had a mandamus applied for?—We have not; but I know what the result of that would be; we should not pretend to defend it.

529. *Chairman.*] Are your officers very active in giving information against houses that sell spirits without a licence?—I have no reason whatever to complain of their want of activity.

530. Is it part of their duty?—Yes; it is a very essential part of their duty.

531. Have not there been houses in the neighbourhood of large towns which have been particularly complained of, some near London, and some in Lancashire, called hush-houses, which contrive to sell spirits without licences?—In every case which has been represented to us we have ordered informations, and we have enjoined vigilance upon our officers. I could produce to the Committee several letters of thanks from the magistrates at Oldham for our exertions in

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putting down those houses. I consider that the reflection upon the inferior officers of Excise which has been alluded to is not quite warranted by evidence.

532. What makes it incumbent upon the Excise to interfere is, that those people sell spirits without the licence which they ought to take out?—Yes.

533. As regards the sale of spirits, has the Excise any particular interest in preventing that taking place; is it not more a matter for the police?—No; it is essentially a matter for the Excise, because there is a loss of revenue, so far as the licence is concerned, and there is a facility for the disposal of illicit spirits. I consider that quite a part of the duty of the Excise; but it is not exclusively the duty of the Excise.

534. Do you extend licences to druggists, for selling medicines?—No, they require no licence, except for the sale of patent medicines. And if a druggist uses a still in his business, which is sometimes the case, he pays half-a-guinea for a licence. It is merely that we may have a register of stills.

535. You had no amendment to suggest with respect to the mode of conferring licences upon any of those parties who are now obliged to take them for selling their goods?—None.

536. Lord *D. Stuart.*] You were asked whether the brewers and other proprietors of public-houses have any interest in those houses being not well conducted, and you said "No." It has been stated by Sir Richard Mayne, that when a house is ill-conducted and complained of, the magistrates take away the licence from the house, so that the house cannot continue to be used; does not that diminish the value of the house?—No doubt of it; and therefore it is some security for the good conduct of the house.

537. Does not that give a direct interest to the brewer, or whoever is the proprietor of that house, to have good conduct observed by the publican who rents the house?—No doubt of it. It is equally an insurance for good conduct on the part of the proprietor of the house, whether he happens to be a brewer or the resident occupier.

Lunæ, 9° *die Maii*, 1853.

MEMBERS PRESENT.

Mr. Villiers.	Mr. W. Brown.
Earl of March.	Mr. Fitzroy.
Sir J. Pakington.	Sir G. Goodman.
Mr. Gregson.	Lord Dudley Stuart.

THE RIGHT HON. C. P. VILLIERS, IN THE CHAIR.

John Wybergh, Jun., Esq., called in; and Examined.

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538. *Chairman.*] I BELIEVE you are Clerk to the Borough Magistrates of Liverpool?—I am.

539. There has been a meeting on the part of the borough magistrates of Liverpool, for the purpose of considering the condition of the beerhouses, and the effect of the present licensing system generally?—A committee was appointed, who made a report containing some suggestions on that subject.

540. Has there not been a meeting to consider the evils which are supposed to result from the present licensing system?—There were, in point of fact, two reports, one in which they merely acknowledged that there were certain evils existing, but not specifying what those evils were, and recommending a Parliamentary Committee of inquiry to ascertain them.

541. Do you know what representations were made by the inhabitants which led to that meeting of magistrates?—No; I do not believe there were any memorials, or anything of that kind, praying them to inquire into those evils; it was merely, I believe, from their own knowledge of the subject, derived at the licensing sessions.

542. In

542. In consequence of the evils of the present system, they recommended a Parliamentary inquiry?—They did.

543. And at a subsequent meeting they came to some conclusions with respect to the amendment of the law?—Yes.

544. I believe those suggestions you forwarded to the Committee?—I did.

545. Are you, as clerk to the magistrates of Liverpool, acquainted with the number of public-houses in Liverpool?—There are about 1,450 licensed public-houses at present in Liverpool, and there are about 1,000 beerhouses.

546. Are those public-houses which you called licensed, all within the jurisdiction of the borough magistrates of Liverpool?—Yes.

547. Do the borough magistrates hold licensing sessions?—They hold licensing sessions, under the Act of 9 Geo. 4.

548. Have they the same power as the county magistrates?—Precisely the same power.

549. Do the borough magistrates license those public-houses which are within the limits of what is called the borough of Liverpool?—Yes.

550. Are those sessions held annually at which persons apply for new licences and also for the renewal of existing licences?—Yes, they are held annually; and there are also transfer sessions held eight times in the year, when persons apply who are already keeping public-houses and wish to remove to other public-houses; those are what are called the transfer sessions.

551. Must they apply for a new licence then?—No; persons must apply, under the Act, for a transfer from one licensed house to another licensed house, when they are changing their habitations.

552. In that case, is there only an inquiry as to the house, and not as to the person?—Generally as to both, as to the house and as to the person. The magistrates always inquire into the character of the new tenant who is coming, as far as they can.

553. I believe you have a return of the number of licences granted at Liverpool during the last seven years?—I have.

554. And the number of transfers also?—I can only state what the average number of transfers has been at each sessions. There are about 50 applications for transfers of licences at the transfer sessions. There are about 200 applications for licences annually; that is about the average number for the last seven years. Since 1850 they have rather declined. There were 170 odd in 1851, and they did not amount to 200 at the last licensing session. They have rather declined within the last two years.

555. What proportion of those 200 applications were granted?—In 1846 there were 216 applications, out of those 17 were granted; in 1847 there were 206 applications, out of which 36 were granted in 1848; there were 221 applications for new licences, out of which 34 were granted; in 1849 there were 278 applications, out of which 14 were granted; in 1850 there were 218 new applications, out of which 8 were granted; in 1851 there 168 new applications, out of which 20 were granted; and in 1852 there were 174 new applications, and none were granted.

556. Do you attend those sessions?—I do, to advise the magistrates.

557. Will you state to the Committee upon what grounds the magistrates determine to grant or refuse the licences?—The magistrates enter into three inquiries; first, they ascertain whether the person who makes the application is a fit person to be entrusted with a licence; secondly, whether the house is a fit house for the purpose of an inn or public-house; and, thirdly, whether a public-house is wanted in the neighbourhood or particular locality.

558. From attending those sessions, can you state whether there has been a rigid inquiry into those three matters upon each of the applications you have mentioned?—Yes, as far as the magistrates can pursue those inquiries, they do so. With regard to the last inquiry, as to the number of public-houses in any neighbourhood, the result seems to me rather unsatisfactory; their means of ascertaining it are not very good, and the magistrates cannot always, I think, come to satisfactory conclusions. The result is, that their decisions appear very frequently arbitrary and unequal; for instance, two persons living in the same street may apply for licences, whose houses are equally fit, and the character of both those persons may be equally good, and the magistrates very likely will grant a licence to one house and refuse it to the other, and the man who is refused is of course very

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very much dissatisfied. It is difficult to say upon what principle of justice the decisions are rested in such cases.

559. Will you inform the Committee of the nature of the evidence which the magistrates require in making those inquiries into the fitness of the person, or of the house, or of the wants of the neighbourhood?—With regard to the fitness of the person, the magistrates have before them certain police reports. The police are directed in every case to inquire as to the fitness of the person applying for a licence.

560. That is to say, there is notice given of the licence to be applied for before the session?—Yes.

561. Is that notice lodged with the clerk?—Yes, and with the head constable at the police-office.

562. Am I to understand that it is the practice to forward those applications to the police?—Yes.

563. Do the police make inquiries before the holding of the sessions?—The police make inquiries, and transmit their reports to the magistrates.

564. Upon every application for a licence, is a report of the police with respect to the houses and the persons applying read?—Yes; and if there is nothing against the persons, they get the licences; but if there is a cause of complaint, it is inquired into, and dealt with accordingly.

565. Whose evidence do the magistrates receive as to the want of public-houses in any street or locality?—The magistrates themselves visit the locality before the sessions, and I suppose they count the number of public-houses in the particular district. It is done in this way; there is a yearly meeting of the magistrates before the licensing sessions, and certain magistrates are appointed to visit all the localities for which applications have been made for licences; they make those visits, and then another meeting is held, when their reports are sent in.

566. Of how many does this committee of the licensing magistrates consist?—The whole bench of magistrates is summoned.

567. Do you mean to say that all the bench of magistrates attend at the licensing session to hear the applications?—No; they are all summoned, but very frequently several members of the bench are away. I may say that the majority attend.

568. Is there any committee of the magistrates that take upon themselves this duty of inquiring into the applications, and granting the licences?—There is no committee; every magistrate is bound to do it.

569. It is not certain which of the magistrates will attend?—No, it is not; there are some magistrates who do attend that particular duty more than others.

570. In what manner are the persons chosen who are appointed to examine into the requirements of the localities in reference to which an application has been made for a licence; is it by accident?—They are appointed at those yearly meetings. The town is divided into districts; the whole bench is summoned, and two magistrates attend indifferently to each district.

571. Do magistrates come to an agreement amongst themselves at this yearly meeting as to who shall go to the different districts?—Yes; they generally say, Mr. So-and-so, will you take such a district, and they generally consent to do so.

572. Then there is not a certain number named upon each occasion, such as two, or four, or ten, but the magistrates distribute this duty amongst themselves, each taking the locality with which he is supposed to be acquainted?—Yes.

573. After having examined the place, do they consider the matter, or make a report?—They make a report as to whether they think the licence is wanted or not wanted in the neighbourhood, and that report is laid before the whole bench of magistrates on a future day.

574. Is the report which one or two of the magistrates choose to make upon any place considered conclusive by the rest of the magistrates?—Very frequently it is, but not always; I have known instances where magistrates have reported in favour of a licence being granted, and it has been refused.

575. According to your Return there seems to be a great disproportion between the number of persons applying for licences, and the licences granted; can you tell the Committee upon what ground so many applications have been refused?—It really depends upon the varying temper, I may say, of the bench of magistrates; sometimes they are in a liberal mood, and grant a great number of licences, as this

this Return will show; at other times, whether they consider that there is already a sufficient number of public-houses in the town or not, they grant none, as they did at the last licensing sessions. The want of a guiding principle in the decisions, I think, is the great defect of the present system.

576. Do not the magistrates who attend the licensing sessions vary with reference to the number and the persons?—Yes, they do.

577. I suppose there are constant additions made to the borough magistrates, and occasionally some are going away?—Yes; but those additions are not frequent.

578. Is the attendance of the magistrates at these sessions greater one year than another?—No; I think the attendance averages about the same at the annual sessions.

579. Does the difference in the number attending depend upon the disposition of the magistrates at any particular time, with regard to licensing?—I am not able to assign any other cause for it.

580. Upon what ground chiefly are licences refused; is it on account of the unfitness of the person or on account of the wants of the place not being proved?—I think generally on the ground that the wants of the place do not require another public-house; the refusal of the licence is very seldom indeed on account of the character of the applicant.

581. You mean, that the persons who apply generally establish that they are the proper persons to have a licence?—As the general rule, there is no particular objection to the character of the persons applying for new licences.

582. Does that depend upon the report of the police?—Yes; there are always inquiries made.

583. Are there inquiries as to their property?—I am not aware of that; the inquiry is more as to the respectability of the applicant.

584. Is there any rule which determines the decision of the magistrates with reference to the proportion of public-houses to other houses?—I am not aware of any certain rule.

585. Then with respect to the renewal of the licences, is there an annual application?—Yes; the licences are renewed annually by applications; they are renewed as a matter of course, unless there has been a report from the police in the meantime against the person holding the licence, or unless there have been some convictions during the currency of the licence.

586. Does anything of that sort preclude the person from receiving the renewal of a licence?—Very frequently the magistrates decline to renew a licence in a case where there has been a certain number of convictions, or some offence which has not been the subject of a police conviction.

587. Is the renewal of a licence only refused upon the ground of some conviction or some offence?—It is refused on the ground of conviction, and very frequently where there has been no conviction, but some impropriety of conduct on the part of the publican.

588. Is there anything accidental or arbitrary in the refusal of the licence to be renewed?—No, I think not; evidence is always taken of impropriety or offence against the law.

589. With respect to appeals when a licence is refused upon an original application, where does the appeal lie?—It lies to the county sessions.

590. From the decision of the borough magistrates?—Yes.

591. Are there many appeals?—No, not many. We scarcely ever have an appeal against the decision of the magistrates upon a new application. Our appeals generally arise upon the refusal to renew licences from some alleged misconduct.

592. Are not a great number of persons disappointed if only 17 licences are granted out of 216 applications?—The result is general disappointment and discontent.

593. Is the expense of appealing against the decisions of the magistrates very great?—Yes, it is rather expensive.

594. Where are the county sessions held?—They are held at Kirkdale, I may say, within the limits of the borough.

595. With respect to the appeals on renewals, do those appeals generally succeed?—No; generally the magistrates have succeeded in upholding their decisions in the county sessions; sometimes they have failed.

596. Mr. *Fitzroy.*] Do the magistrates employ any one to appear on their behalf at

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at the county sessions?—I generally appear in their behalf. I may state that there is some difficulty about it, because before the costs are allowed to the magistrates, I have to make an application to the finance committee of the town council to know whether it is such a case as they will pay the costs in. The costs of those cases sometimes, I have heard, occasion great debate in the finance committee, but so far, they have always consented to pay them.

597. *Chairman.*] If the magistrates did not appear, I presume the licence would be renewed?—Certainly, if the magistrates did not appear.

598. Upon the application for licences, do other persons oppose the granting of the licence?—Yes, very frequently.

599. On what grounds do those other persons oppose the application for a licence?—Those applications are sometimes opposed by persons in the neighbourhood, who think that a public-house in that particular locality might be a nuisance, but the applications are frequently opposed by some other licensed victuallers in the neighbourhood.

600. Is anybody regularly appointed to attend the sessions for the purpose of opposing applications for licences?—The Licensed Victuallers' Association have a solicitor, and he generally attends on those occasions either for them or other persons.

601. Does he represent only the Licensed Victuallers' Association, or does he also represent the owners of the public-houses?—He represents both; he frequently appears for the Licensed Victuallers' Association, and frequently for the owners of the public-houses for persons applying for licences.

602. The interest of those persons being to keep down the number of the public-houses?—Certainly.

603. Do those parties appear before the court, in opposing any application, upon the ground that it will injure their property, or upon the ground of its being a nuisance to have more public-houses?—Generally upon the ground that there are already a sufficient number of public-houses in the neighbourhood.

604. Is that held to be sufficient by the magistrates?—That is held to be a sufficient ground to give them a *locus standi* in court.

605. Would the magistrate decide upon the opposition offered by the solicitor of the Licensed Victuallers' Association, without taking the evidence of the inhabitants of the neighbourhood?—No, the magistrate would use what means of information he has. He would inquire for himself, to see if there were any just grounds for opposition.

606. Do the public-houses in Liverpool generally belong to other persons than those who occupy them?—Yes; the great majority of public-houses, as far as I can ascertain, belong to the brewers.

607. And their property is deteriorated by any increase in the number of the public-houses, if those houses do not belong to themselves?—Yes.

608. Are the brewers ever in the commission of the peace?—Yes; there are instances of brewers being in the commission of the peace in Liverpool, for the county at all events. I am not aware whether there is any gentleman who is now a brewer in the commission of the peace for the borough of Liverpool; I think not.

609. Might not a brewer be in the commission of the peace, and attend the sessions when there is an application for the renewal of a licence?—He could not sit on the bench; he is prohibited by the Act of Parliament from adjudicating in such cases. But with reference to another subject, which was mentioned just now, in applying to the finance committee of the town council for the costs of an appeal, brewers are frequently members of that committee, and they sit and decide as to whether the costs shall or shall not be allowed to the magistrates.

610. If the brewers' influence were to preponderate, and a person occupying the house of a brewer applied for the renewal of his licence, and there were no funds provided to resist the application, that licence would be renewed?—No doubt.

611. Mr. *Fitzroy.*] Is the finance committee composed of magistrates?—No; the finance committee is composed of members of the town council, who are elected by the 10*l.* constituency.

612. I understood you to state that hitherto the finance committee have agreed to pay the costs of those appeals in every instance?—They have.

613. *Chairman.*] Has that been the case in every application for the renewal of a licence where that renewal has been resisted originally by the magistrates?—Yes, so far; but the magistrates feel aggrieved that they should be obliged to ask the finance committee for those funds.

614. Do the magistrates know to whom the house belongs when an application is made for a licence?—No; they do sometimes, but not always.

615. I think you stated there was an inquiry as to the nature of the premises, the character of the person applying for a licence, and everything connected with him, before the licence was granted or refused?—Yes, as to the character of the tenant, but not of the landlord.

616. When that inquiry is made with respect to the occupier, is not the fact generally elicited to whom the house belongs?—The ownership frequently is elicited, but not always.

617. Did you ever know of an instance of the tenant of a brewer applying for a licence, and having the licence refused?—Yes, I have.

618. Are there many brewers in Liverpool?—A great many.

619. Would you say that the greater proportion of the public-houses in Liverpool belong to the brewers?—I should; either held absolutely or upon lease.

620. Sir *G. Goodman.*] The number of free houses is not great in Liverpool?—No; those houses are generally known as "tied" houses; that is, they are bound to take the beer which is supplied by the brewers, their owners.

621. Earl of *March.*] Am I to understand you to state, that when there is an application for a licence for two houses in the same street, equally good and equally proper for public-houses, you consider it a hardship that the magistrates should have a discretionary power of deciding which of those houses should hold the licence?—Yes; I think that where two houses are equally fit, and the two persons occupying them are equally fit, the magistrate should grant a licence for both.

622. Though the necessities of the neighbourhood might not require two houses?—I think the question of the necessities of the neighbourhood is hardly a matter for the person granting the licence to judge of; it is a matter of trade whether it will succeed; if not, the consequences fall upon the parties who make the application.

623. Do you think that the magistrates should have no discretion at all as to whether a public-house is required or not?—I think that would be an improvement.

624. Mr. *Fitzroy.*] In your opinion, the character of the applicant should be the only test of fitness?—Yes.

625. Sir *G. Goodman.*] Has this difficulty occurred to you, that in the case of the establishment of a railway station, and accommodation being required, and there were respectable men holding decent premises applying for a licence, do you think it would be the duty of the magistrates to withhold the licence from those premises, from there being a larger and better house?—Yes, no doubt it might be so.

626. *Chairman.*] Is there not a watch committee at Liverpool?—Yes.

627. Are any persons restricted from being members of that committee in consequence of their business or interest?—No; very frequently brewers are on that committee.

628. I think you stated that houses get their licence or not according to the report of the police?—So far as the character of the person is concerned.

629. Who appoints the police?—The police are appointed by the watch committee.

630. The police would report upon those houses which might belong to the brewers?—Yes.

631. And the police depend for their appointment and promotion upon the persons who compose the watch committee, and who may be brewers?—Yes; there is nothing to prevent their being brewers; it is possible that the whole of the watch committee, though it is by no means probable, might be composed of persons in the brewing and spirit trades; the police depend upon their appointment, for their pay, and for their promotion, upon that body.

632. And the person paying for the licence depends upon the report of the police?—Yes, so far as his character is concerned.

633. Do the magistrates require a certificate from any of the inhabitants as to the character of the person applying for a licence?—They require a recommendation, and it is the practice to have a recommendation; whether it was formerly of any use I do not know, but since I have had anything to do with the licensing sessions it seems to me to have degenerated into a mere useless form. The applicants get a recommendation paper signed by six or seven persons, who profess to be householders, and sometimes it has turned out that the names are frauds altogether.

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634. Have those persons giving the certificate any responsibility for so doing?—No, none.

635. They enter into no surety for the good conduct of the house?—None at all; the certificate merely specifies that the person making the application is a person of good character.

636. Is that certificate provided for under any local Act?—No; it is a custom in the borough; a bye-law made by the magistrates for their own guidance.

637. I think there is no provision of that kind in the Act of 9 Geo. 4, applying generally to licences?—Not at all.

638. Are you concerned in the prosecutions of the keepers of public-houses, or in receiving informations which may be laid against them for any offences, or for general misconduct?—No; I merely sit to advise the magistrates when such cases are heard.

639. Are you cognizant of any cases of offence or misconduct having been brought before the magistrates?—Yes.

640. Have you any return of the number of convictions in the course of a year?—No; I have not any return of the convictions.

641. You have given the whole number of licences in Liverpool; I should like to know the average number of convictions of publicans for various offences?—I could furnish that return; I may say that the convictions against publicans are not so numerous as against beersellers.

[*The Witness subsequently furnished the following Return*:]

VICTUALLERS.

CONVICTIONS before the Magistrates for the Borough of Liverpool, under the General Acts and the Local Act for the Borough, for one year, from the 10th of October 1851 to the 10th of October 1852.

Under the General Statutes:

Harbouring bad characters	12
Permitting drunkenness	42
Gaming; house open Sunday afternoon, during Divine Service	2
Refusing to admit officers of police	5

Under the Local Act for the Borough:

Selling on Sunday before one in the afternoon	163
Allowing an internal communication with premises not licensed	2
	226

642. Do the same persons who grant the licences decide those cases of offences, or do they go before the stipendiary magistrate?—We have a stipendiary magistrate at Liverpool, and of late informations against publicans have been heard before him; but when he is not there, they are heard before the borough magistrates.

643. Who are the persons who generally lay the informations?—The police.

644. And the Excise officers?—No; the Excise have nothing to do with laying police informations.

645. Have the police any general orders to visit public-houses, and to make reports as to the manner in which they are conducted?—I believe those are their general instructions.

646. Are there any peculiar powers granted by your local Act, with reference to visiting those houses?—Not by any local Act, except that local Act which makes it an offence to sell beer before one o'clock on Sunday morning.

647. But do you know whether there is much vigilance exercised over those houses; are the police directed to watch them particularly, to see that their proprietors observe good order, and do not violate the law?—I think they are; hitherto, in order to detect persons violating the law on a Sunday morning, the police have gone in plain clothes as detective officers, and not in their police uniform.

648. Are there a great number of complaints of the public-houses in Liverpool, that they harbour bad characters, or that offences are concocted in them?—There are a good many complaints of that sort, certainly.

649. Was it from the number of those complaints that the magistrates had a meeting on the subject?—Yes. I have a list of the public-houses which are supposed,

posed, from the police returns for last year, to be the resorts of thieves. The number of public-houses at which thieves assemble and plan robberies at Liverpool is 32, according to the police return.

650. Do you state that to be about the annual number which are reported as conducting their houses in that way?—No.

651. Would not a house so reported by the police to the magistrates be refused a renewal of the licence?—Yes, no doubt it would, if they could establish a sufficient case against it.

652. Are there any other offences for which the houses are reported, short of habitual misconduct?—No; I have no other information.

653. Mr. *Fitzroy.*] Are all the houses reported on that ground?—No, they are not.

654. *Chairman.*] Do you know what the general orders of the police are as to visiting those houses?—No, I do not; I cannot speak to it of my own knowledge.

655. Has there been any disputes between the magistrates and the watch committee as to the interference of the police with these houses?—Not about the interference of the police by the watch committee as a body.

656. Has not there been a dispute between the magistrates and the watch committee?—There has been a dispute now and then between the magistrates and certain members of the watch committee upon their attempting to exercise what was considered to be undue influence over the policemen; there have been such disputes as those.

657. Undue influence with respect to what?—In consequence of the policemen, for example, reporting the misconduct of a particular public-house.

658. And some members of the watch committee objecting to such a report?—Yes, and they have interfered improperly.

659. Do you remember the circumstances of any such case?—I can scarcely trust my memory with them, but I know that such is the fact; we have it on record.

660. Do you know if that house belonged to any member of the watch committee?—I believe so; I believe the house either belonged to a member of the watch committee, or he was interested in it in some way or other.

661. Mr. *Fitzroy.*] Have the watch committee the power to suspend the police?—Yes.

662. Or to dismiss them?—Yes.

663. Have the watch committee exercised that power in any of the cases to which you have referred, in consequence of the interference of the police with particular-houses?—Not that I am aware of; I am not officially aware of any such instance.

664. *Chairman.*] Do the police know what power the watch committee have over them?—Yes.

665. Sir *G. Goodman.*] Are the applications for licences, which appear to average 213 in a year, chiefly made by beerhouse-keepers?—I think generally the persons who make the applications keep the house first as a beerhouse, and then apply for a licence as a public-house; they fancy that keeping it as a beerhouse is halfway towards getting a licence as a public-house; that accounts for it.

666. Do the magistrates, in your opinion, refuse licences to those beerhouses upon the ground of there being a sufficient number of public-houses?—Very frequently that is the ground.

667. *Chairman.*] Those houses do not necessarily belong to brewers; they may belong to any persons?—Yes.

668. Those persons may be on the watch committee?—Yes.

669. Persons not being brewers, and not being members of the watch committee, may be interested in public-houses, and may be the means of procuring a licence, or the person holding the licence may be their tenant?—It is quite possible.

670. Do they exercise influence over the police?—Yes; it must necessarily be so from their position.

671. Does the watch committee chiefly consist of persons in business as brewers or distillers?—Not the majority, by any means; there are one or two brewers and spirit-dealers upon the committee.

672. The instant a person gets a licence it gives an increased value to his house?—Yes.

673. So that if a member of the watch committee has a house, and that house is licensed, an increased value is given to his property?—Yes. There are certain members of the town council who are now large proprietors of public-houses.

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674. Could you give the Committee any notion of the difference in the value of any house before and after it receives a licence?—No, I could not.

675. You can only state that it is considerable?—It makes a great difference; there are sums ranging from 100*l.* to 1,000*l.* given for licences, I am informed.

676. Mr. *Gregson.*] You mean as premium?—Yes.

677. *Chairman.*] As soon as a person gets a licence he may transfer it?—Yes; that is frequently the case the very next transfer session; he gets the licence for 7*s.* 6*d.*, which is the fee paid to the clerk of the justices for the licence, and he goes and sells that licence probably for a large sum of money; that is considered to be a great abuse.

678. Earl of *March.*] Is not the transfer of a licence from one person to another subject to the decision of the magistrates?—Yes, it has to come before the magistrates at the following sessions.

679. And the magistrates may refuse to license that transfer?—They might do so, but I do not think they would be able to sustain their decision unless they could show that the new tenant was not a fit person to hold the licence.

680. Mr. *Gregson.*] Does not the notice of an application for a licence state the owner, as well as the tenant, of the house?—It does.

681. What is the time previously required for giving notice for a licence?—The applicants have to give notice on certain Sundays in July; I think, according to the Act of Parliament, the licensing session being held about the 1st of September, or the latter end of August, the previous notice is six weeks.

682. Is that notice fixed up in any public place?—The notice is directed to be fixed upon the principal door of the church or chapel of the place, and notice is also directed to be given at the overseer's office, and at the office of the head constable.

683. The notice being placed on the church or chapel door, do the vestry or churchwardens interfere at all?—No.

684. Does the district warden interfere with regard to licences?—Occasionally some clergyman of a district might oppose a licence.

685. Is there any rule as to the amount of rating or rent for those houses?—No; with regard to public-houses there is no rule as to rating; the magistrates view the house to see if they consider it fit for a licence.

686. Is there any rule with regard to the proportion of public-houses to the population?—I am not aware of any particular rule of that kind.

687. In cases where two individuals of good character apply for licences, it is at the discretion of the magistrates to whom they shall grant the licence; is there any rule as to the priority of the applications?—No, none at all; in fact both applications are made at the same time.

688. *Chairman.*] When a licence is transferred, can the person who receives it immediately take possession of the premises, or must he wait till the transfer sessions, for the magistrates to confirm the transfer of the licence?—He may immediately take possession under another statute, which authorises a magistrate to indorse the licence of the previous tenant, until the next transfer sessions. When the man gets that indorsement he takes possession of the house, and applies at the transfer sessions to have the thing completed; in the mean time he is enabled to sell liquors in that house, until the next transfer sessions.

689. Are the same inquiries made about the person to whom this licence is indorsed that there were about the person originally applying for the licence?—Yes, at the transfer sessions.

690. You say that before the time of getting the licence at the transfer sessions, there is the practice of indorsing the original licence to some other person; are any inquires made with reference to the person to whom the transfer is to be made?—No, there is no power of inquiry into the character of the person before he gets the indorsement made. He brings the licence into court, and he is sworn merely as to his name, and whether he is in possession of the house; upon that the magistrates feel bound to make the indorsement, and then it is subject to the transfer sessions to make these other inquiries.

691. Are those transfer sessions annual?—They occur eight times in the year, about every six weeks.

692. Sir *G. Goodman.*] Do not the magistrates put such questions with reference to the period intervening between the application for the indorsement, and the transfer session, as will satisfy them that the transferee is the proper person to take the house?—At the transfer sessions they do.

693. But

693. But not when a person applies for an indorsement of a licence?—They merely ask his name, and possibly whether he has kept a public-house before; he produces the licence, and the magistrates then indorse it, having first ascertained that he had got the consent of the landlord of the house to take possession; he generally produces a note from the landlord, signifying his consent to the tenancy, and on that the magistrates indorse the licence.

694. Lord *D. Stuart.*] What is the object of asking whether he has kept a house before; if he said "No," there would be reason for inquiry?—The magistrates usually ask him if he has kept a public-house before. We keep a record of the complaints, and we are enabled to see whether there is any complaint against him; that is the object of asking the question.

695. *Chairman.*] What is the usual course, where a publican is convicted of any offence; is he fined or imprisoned?—For an offence against the Licensing Act he is usually fined, and if he does not pay the fine, then he is imprisoned; it is a fine in the first instance.

696. Do you know what the limit of that fine is?—It goes to 50 *l.*

697. Can you state what amount of fine is generally imposed?—The fine seldom exceeds 5 *l.*

698. Have you ever known a publican unable to pay the fine?—I have known beerhouse-keepers frequently unable to pay; but I do not remember any instances of a publican not being able to pay.

699. Do you remember an instance of anybody paying the fine for a publican?—I do not know. I believe fines are frequently paid for the publicans, but I do not officially know the fact.

700. Is there any one offence in particular which publicans are liable to commit?—The great majority of offences, both of publicans and beersellers, in Liverpool, is for the Sunday trading.

701. Is harbouring bad characters a legal offence?—Yes; that is an offence, but it is difficult of proof. We have seldom convictions for that offence, which is very likely the reason why there are so few reports at the annual licensing sessions against public-houses for harbouring bad characters. Unless you can specify certain persons, and prove that they were actually known to the publican at the time as bad characters, no conviction can be obtained.

702. I think you have stated that there are about 1,000 beerhouses in Liverpool?—Upwards of 1,000.

703. Those people are not subject to the jurisdiction of the magistrates in getting their licences?—No.

704. They are subject to the provisions of the Beerhouse Act?—Yes.

705. Are the keepers of beerhouses frequently summoned before the magistrates for offences under that Act?—They are summoned very frequently for offences under the local Act for Sunday trading; those are the great majority of instances.

706. What were the complaints about those beerhouses which led to the meeting of the magistrates?—I do not know; it was not the beerhouse exclusively that induced the magistrates to meet; it was the whole system, public-houses and beerhouses.

707. Can you inform the Committee what were the offences principally complained of which were committed by the keepers of the beerhouses?—I thought I answered that question by saying, that the great majority of the offences were those under the local Act for Sunday trading.

708. What is that local Act?—It is the local Police Act of the 5th & 6th Victoria.

709. Mr. *Fitzroy.*] What are the provisions in that Act as to closing the houses, and so on?—That every house in which fermented liquors are sold, shall be closed on Saturday, Good Friday, and Christmas-days, after 12 o'clock at night, and not be opened again until one o'clock the following day. I find by the returns that, out of 100 convictions of beer retailers, 85 were under the Act for selling beer on Sunday; there were three offences against the tenor of the licence, and five for selling beer after 11 at night and before five in the morning under the General Beer Act.

710. Mr. *Gregson.*] Is the local Act you have referred to an extension of the Metropolitan Police Act to Liverpool?—Yes, with a similar clause to that in the Metropolitan Police Act.

711. What are the hours during which the beerhouses are open?—From five in

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in the morning until 11 at night, and on Sundays, Good Fridays, and Christmas-days, after one o'clock in the day.

712. Are they open all the remainder of the day?—Subject to the restriction as to the hours of Divine Service; they are not allowed to be open during the hours of Divine Service.

713. What do you call the hours of Divine Service?—They are generally taken from three to five, or from three to half-past four.

714. Are the houses open from half-past four to midnight?—The beerhouses are open until 11 at night, the public-houses until any time; there is no restriction as to closing the public-houses, except on Saturday.

715. *Chairman.*] Who laid the informations against those houses for the offence of opening their houses before the proper time, or opening their houses during the hours of Divine Service?—The police in all cases laid the informations.

716. Do the licensed victuallers get evidence against the beerhouses when they offend in this respect; is there anybody watching besides the police, under their general directions?—No, I think not.

717. Have the police orders to watch those houses, to see whether they are opened during the prohibited hours?—Yes. I believe it is difficult to obtain convictions against them, because most of those houses which carry on this illegal trade on Sunday have persons appointed outside to watch; and though the officers go in plain clothes, they have got so familiar with their faces that they know at once when they come within sight, and give notice to the offenders.

718. Are those the offences that people complain of in Liverpool in connexion with the beerhouses?—Chiefly. There are also offences, though I know nothing about them myself, such as harbouring bad characters; and, as the police tell me, such places have a tendency to foster crime, the beerhouses particularly.

719. Do you consider that the beerhouses are more likely to harbour bad characters than the public-houses?—Yes.

720. Have you got the number of the houses reported this year to the magistrates as doing so?—I have a return from the head constable of the number; I mentioned just now that the number of public-houses was 32 at which thieves assembled; and the number of beerhouses, at which thieves assemble and dispose of the proceeds of their robberies, are set down as 57.

721. Is the police report, with reference to the beer licences, brought before the magistrates in any way?—No.

722. You state, with respect to public-houses that are in the habit of harbouring bad characters, that a report is made to the magistrates before the time of renewing the licence?—The magistrate has no control over the beerhouses, and it would be useless.

723. Those reports are actually made to the magistrates, though not proceeded upon?—No; unless they are specially called for, as they have been in this instance.

724. Mr. *Fitzroy.*] Am I to understand that those 32 cases of ill-conducted houses were not reported to the magistrates?—No; they have been merely reported, in pursuance of a special direction which I gave to the superintendent of police.

725. *Chairman.*] Do the magistrates ask the police whether there is any complaint against the public-houses when the publicans apply for a renewal of the licences?—Yes.

726. Supposing the police had ascertained that certain licensed houses had been in the habit of harbouring thieves and other bad characters, would they state that to the magistrates upon the applications for the renewals of licences?—Certainly they would; but unless they had some more specific facts to report, I do not think it would be of any avail.

727. There is no specific report called for by the magistrates upon the application for the renewal of the licences?—If the police had any specific facts to relate as to certain houses harbouring bad characters, that would form a subject of police report, no doubt; but more properly it would form the subject of an information for a penalty.

728. Is any specific report of the number of the houses harbouring bad characters made to the magistrates when they are asked to renew the licences?—The magistrates have issued a general order, that all reports of misconduct of publicans, from whatever cause, shall be laid before them at their licensing sessions. There are some reports which they would act upon, and refuse the licence.

licence. I do not think such reports as those, merely giving vague information as to certain houses harbouring thieves and bad characters, would be of any avail; because the magistrates would say, "Why not lay informations, and get convictions, under the Clause of the Act of Parliament?"

729. They could do that with respect to licensed houses?—It is exceedingly difficult to do so. It is necessary that the publican should know that the persons then in the house are notoriously bad characters. It generally happens that he proves he does not know anything of the sort.

730. Mr. *Fitzroy.*] Has any attempt been made by the police to lay any informations against those 32 houses which you have mentioned, and have they failed in obtaining convictions?—I am not able to say whether informations have been laid as to the 32 houses returned to me; there are frequently informations laid, and they frequently fail.

731. *Chairman.*] In what respect do they fail?—Because the evidence is deficient as to the guilty knowledge of the publican: it is difficult to prove that he knew that certain persons were bad characters.

732. If the police gave the publican notice that they were bad characters, and he did not remove them, would not that be sufficient evidence to warrant a conviction?—That would be sufficient evidence to warrant a conviction.

733. Mr. *Fitzroy.*] Would those informations be laid before the magistrates who grant the licences?—Before some of the magistrates.

734. Not before the stipendiary magistrates?—They generally are now heard before the stipendiary magistrates.

735. *Chairman.*] I apprehend the police have no discretion as to where the informations are laid, or where the magistrates hear cases of misconduct of any public-houses in Liverpool?—It is their duty to do so.

736. Is it their duty with respect to beerhouses?—No.

737. The magistrates, not having any jurisdiction over the beerhouses, do not direct the police to make any reports upon them?—No.

738. You have alluded to a specific report as to the character of the beerhouses in Liverpool. Have you any return of that character?—I have made an inquiry of the head constable.

739. Mr. *Gregson.*] You say there is some difficulty in obtaining convictions where the police give notice to the keeper of one of those houses of there being bad characters in his house?—Yes, from the difficulty of bringing home the guilty knowledge to the publican that those parties are bad characters.

740. Do not the police know, in most of the cases where the parties have been before convicted of felony?—Yes, the police know, but the publican does not.

741. If the publican has notice from the police, is it not incumbent upon him to act upon it?—The publican would, it is to be presumed, generally remove the persons. He would say, "You must go out."

742. *Chairman.*] Were you present at this meeting of the magistrates, with regard to complaints made against the beerhouses?—The meeting was as to the beerhouses and public-houses, and as to what was considered the evils of the licensing system generally.

743. What do the inhabitants allege against the beerhouses, as you have described them to exist in Liverpool, besides the violation of the Local Act, with respect to Sunday trading?—They consider them not sufficiently amenable to the police and magisterial control.

744. Do the police presume that they have the right to enter those houses in Liverpool?—Yes; but the magistrates have not that control over them which they have over public-houses, in consequence of their not being able to deprive them of their licences.

745. The police being instructed what offences the beerhouses may commit under the Act, are they not bound to lay informations against them?—Yes.

746. Are those informations laid against the beerhouses, and convictions procured?—Yes.

747. Before the local magistrate, or the stipendiary magistrate?—Before either; any of the local magistrates who happen to be sitting at the time.

748. Have you the number of convictions which have been obtained in a year against the beerhouses?—No, I have not; but I could procure the number.

[*The Witness subsequently furnished the following Return:*]

J. Wybergh, Jun., Esq.

May 1853.

BEER RETAILERS.

CONVICTIONS before the Magistrates for the Borough of *Liverpool*, under the General Acts and the Local Act for the Borough, for One Year, from the 10th of October 1851 to the 10th of October 1852.

Under the General Statutes:

Harbouring bad characters	4
Permitting drunkenness	28
Selling on Sunday afternoon, during Divine Service	1
Refusing to admit officers of police	22
Selling after 11 at night	38

Under the Local Act for the Borough:

Selling on Sunday before one in the afternoon	397
	480

749. What is the practice of the magistrates when there is a conviction of a beerhouse-keeper, with respect to his house being ill-conducted; is a notice sent to the Excise?—It is very seldom that we have convictions against the tenor of the licence; very rarely indeed.

750. Does not a conviction give a power to the magistrate of forfeiting the licence, or declaring the licence forfeited?—Providing it is a conviction against the tenor of the licence. As I said before, the great majority of the offences are selling beer on the Sunday morning.

751. Do you know that the magistrates are directed by the Act of Parliament, whenever a beerhouse-keeper has committed an offence and been convicted, to notify to the Excise that he has been convicted, and to withhold his licence?—They are only directed to do so when the conviction is against the tenor of the licence.

752. You say that the convictions are chiefly for Sunday trading; are there convictions for any other offences?—There have been convictions sometimes for refusing to admit the police.

753. Do the magistrates consider, with respect to beerhouses, that if they had the power of withholding the licence, they would not violate the law against Sunday trading?—The magistrates consider, if they had the power of withholding the licence, the houses would be conducted in a much better manner.

754. What is the charge against the beershop-keepers in the conduct of their houses, besides that of Sunday trading?—That their houses are the resorts of thieves and bad characters, and that they generate crime.

755. Is there nothing in the licence which specifies it to be an offence?—It is an offence.

756. Is not harbouring thieves, and notoriously bad characters, against the tenor of the licence?—It is.

757. But you say there are seldom convictions for offences of that sort?—Rarely.

758. Am I to understand that those offences are rarely committed, or that evidence is rarely adduced before the magistrates of their being committed?—I consider that there are rarely informations laid, in consequence of the evidence being insufficient.

759. Have you any knowledge of that offence being committed, other than general report?—I merely judge of the offences committed by the informations which are laid.

760. If I understood you rightly, you said that very few informations were laid for offences against the tenor of the licence?—Very few, from the difficulty of proof.

761. Upon what evidence do you give your opinion that many offences are committed for which informations are not laid?—I beg to be understood not to give an opinion of that sort; in reply to your question as to what the inhabitants thought were the objections to the beerhouses, I merely gave what was the general opinion, not my own opinion at all. I know nothing of it personally; I can only judge of the offences committed by the informations which come before the magistrates, which are very few.

762. For what purpose do the magistrates of Liverpool wish the law to be amended with respect to beerhouses?—The magistrates think it would be a great improvement to bring the beerhouses more under their supervision, and to give them the power of taking away their licences in cases of offences being committed; there are several beerhouses in Liverpool which have been fined over and

and over again for selling beer on the Sunday morning, but still the magistrates have no power to take away the licence.

763. Have public-houses also been fined?—Yes, and their licences have been taken away; the magistrates have refused to renew them at the annual licensing sessions if they had been fined three times for selling beer on the Sunday morning, which does not apply with regard to beerhouses.

764. Mr. *Gregson.*] How do you reconcile that with the recommendation that the magistrates should be deprived of the discretion of granting licences?—In reply to the Honourable Chairman's question I said that it was the opinion of the magistrates; the other is my opinion. I think it would be better to deprive the magistrates of that discretion, and to allow every person to keep a public-house who chose, taking sufficient security for his good conduct.

765. *Chairman.*] It appears that, either from the want of evidence to sustain informations, or from the offences not being committed, the magistrates have very little information at all prejudicial to beerhouses?—Nothing but those police returns.

766. It it your own opinion that there is great difficulty in getting evidence against the beerhouses, though the offences are committed?—My opinion is, that with reference to offences against the tenor of the licence it is difficult; particularly in the case of the offence of harbouring bad characters, it is exceedingly difficult to prove it, which may account for so few informations being laid.

767. If you consider the great difficulty in establishing convictions against beerhouses for harbouring bad characters is the want of evidence, how would the magistrates having the power of withholding the licence be better able to deal with those badly-conducted beerhouses?—I would alter the present law with regard to harbouring bad characters.

768. You would amend the Beerhouses Act in that respect?—Yes.

769. That has nothing to do with the magistrates renewing the licence for a public-house; the police have not laid informations now, because they cannot get the evidence: your plan is to facilitate their getting evidence?—My observation applies both to beerhouses and public-houses, because the law is the same.

770. Earl of *March.*] I understood you to state that you would take away the discretionary power of the magistrate as to granting the licence to a public-house; would you think it advisable to give him a discretionary power to enable him to take away the licence from a beerhouse, if it was ill-conducted?—I would give the power to take away the licence both from public-houses and beerhouses equally, if there were misconduct.

771. *Chairman.*] I understand you to give your opinion, that a power of withholding a licence, or taking away a licence, is a proper check upon the people who keep public-houses?—I think taking away the licence is the best check.

772. You do not say the magistrates are the best persons to have the power of withdrawing the licence, but you think that power ought to exist somewhere?—I will not say with whom that power should rest.

773. It should be exercised upon evidence being given of an offence having been committed?—Yes.

774. You would give further facility for detecting the offence; and upon the detection of the offence, you would place a power somewhere to withdraw the licence?—Yes.

775. And you think that would operate usefully upon the publican and beerhouse-keeper?—Yes.

776. Mr. *Fitzroy.*] What power would you suggest with regard to the detection of those offences against the tenor of the licence, which you say is so difficult to prove?—I would make it necessary that the publican should know that certain persons were bad characters; and if he habitually encouraged persons of that description in his house, I would give the magistrates the power at the annual licensing sessions, upon a report to that effect from the police, to withdraw the licence.

777. Although he was not proved to be cognisant of the fact?—I would not make it necessary for the same stringent proof to be given as it is now.

778. *Chairman.*] In that case, must you not depend chiefly upon the police?—Entirely.

779. Therefore it would become important that the police should be quite independent, and uncontrolled by interested persons, in order to be good witnesses of those offences?—Yes.

780. Sir *G. Goodman.*] The beerhouses would be brought within the liability of having their licences taken away, provided the keepers of those houses were

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informed by the police, from time to time, that the characters which they had in their houses were doubtful or bad characters; if they still continued to harbour those characters, would they not be considered as coming under the liability of losing their licence?—The magistrates have no power over the licence of a beerhouse.

781. It has been stated to the Committee that the tenor of the licence precludes the keepers of beerhouses from harbouring bad characters; therefore, if they are apprised that they are harbouring bad characters, are not they subject to have their licences taken away?—If they do not remove them immediately from their house an information would be laid against them, and they might be convicted on the first offence; but that would not be sufficient to enable the magistrates to declare the licence to be forfeited.

782. Mr. *Fitzroy.*] In the case of a licensed public-house, have not the magistrates the power, upon a report made by the police that the landlord is in the habit of harbouring bad characters, to refuse to renew the licence?—The magistrates have the fullest discretion, and they would exercise it in any such case. Unless some more specific proof were given than a mere vague report that the landlord was in the habit of harbouring bad characters, I do not think the magistrates could venture to act upon that.

783. Do you mean specific proof of the fact, or of the cognisance of the landlord?—Specific proof of the fact.

784. You state that this fact is known to the police?—Yes.

785. As far as the knowledge of the police of the fact goes, that is already perfect. What course would you suggest with reference to proving that fact before the magistrates?—I would rather consider the subject more at my leisure before I answer that question, because it is difficult to answer off-hand as to the precise form of remedy.

786. You do not think any suggestion as to giving the power to the magistrate to refuse the licence to a beerhouse-keeper would be efficacious as a remedy for the evils you have mentioned?—I am inclined to think so; certainly not so efficacious as the power to take it away.

787. If the power already exists with the magistrate in the case of a licensed public-house, of withdrawing the licence, and that power is not efficacious in that instance, will it be more so in the case of a beerhouse charged with harbouring bad characters?—The magistrate does not exercise the power now, in consequence of the proofs not being sufficiently technical. I would remove those technical difficulties, and give greater facilities of proof, but I am not prepared to say how that should be done at present.

788. *Chairman.*] I believe it is one of the suggestions in the report of the magistrates, that more care should be taken with reference to the character of the person receiving the licence?—Yes; character is made the sole ground upon which the licence should be granted.

789. Would you attach more importance to character than a higher rate of qualification, or value of the premises?—Yes, that was the view of the magistrates, but it was not a unanimous view; I may say it was the view of the majority.

790. Are there any persons keeping beerhouses of supposed bad character?—Very many.

791. Is that very often the case?—Frequently; a great many persons who formerly have been publicans, now keep beerhouses; I mean persons who have been deprived of their licences for the misconduct of their houses.

792. Is there any particular disadvantage in a beerhouse-keeper being a person of indifferent character, or having a low connexion?—No, I think not.

793. Would his custom be more extensive from that circumstance?—I think it would have that effect.

794. Does a beerhouse, kept by a person of questionable character, always belong to himself?—No; I think he is generally the tenant.

795. Then it is possible that a beerhouse might belong to a respectable firm or a highly respectable brewer, and yet the occupier be a person of a very low connexion?—It might so happen.

796. And it is possible that there would be a more constant draught on the liquor if his connexion were low?—Yes.

797. Is it any security that the house shall be respectable because the owner of it is a highly respectable person?—I do not think it is a positive security; I think the probability is, that the owner, being respectable, would exercise some care in the person he selected as his tenant.

798. Would

798. Would the property be less ratable owing to the connexion of the occupier being low?—No. *J. Wybergh*, Jun, Esq.

799. Does it occur sometimes that those houses belong to respectable brewers, and other persons on the watch committee, whose tenants may not be of the most reputable kind?—I know that houses do belong to most respectable persons, whose tenants are not respectable men. 9 May 1853.

800. Has any complaint been made against the beerhouses that are kept by reputed thieves, or pugilists, or women of the town?—It is frequently the case, from the persons who keep them being bad characters.

801. Is not the presumption in those cases that they would harbour bad characters?—It is.

802. You say that there are very few complaints brought before the magistrates of such cases?—There are very few complaints which are the subject of informations.

803. Mr. *Fitzroy*.] To whom should the magistrates, in your opinion, refer as to the character of the applicant for a licence, in the event of adopting this system?—I am not aware that they could refer to any other persons than to the police. I think they must depend upon the police for information upon that subject.

804. Would you leave the right of keeping a public-house entirely dependent upon the character given of the person by the police to the magistrates?—I would; I would not take the police report alone. I would hear what the man had to say in opposition to the report. He should call any evidence that he chose in the first instance. I do not see anybody so fit to resort to for information as to character as the police.

805. Would you suggest any certificates from inhabitants of the town who were well known, or in a respectable position of life?—I have not considered that subject.

806. Do you think it would be dangerous to leave a power to the police of taking away a man's character, and consequently his means of getting a livelihood?—No; it would not be dangerous, unless the magistrates acted *ex parte*, which, I presume, they never would do. They never have done so. They always have heard the police report, but they have asked the person affected by it what he had to say, and what explanation he could give of it; and he might call witnesses. The magistrates decide after hearing both sides.

807. You have told the Committee that a great number of the watch committee of Liverpool are interested in beerhouses?—Some of them in public-houses.

808. And that the police depend for their appointment, their suspension, their dismissal, their promotion, and everything, upon the watch committee?—Yes.

809. Then do not you think it is probable that the police might have a bias, or exercise great partiality in the characters which they were giving with respect to those different applicants, accordingly as they may be more or less connected with members of the watch committee?—I think it is possible.

810. Lord *D. Stuart*.] Does the watch committee exercise a direct control over the police in appointing, suspending, dismissing, or promoting the officers of the police; or do they exercise that control through the head constable?—I believe the watch committee exercise the control directly; but I am not quite certain.

811. Mr. *Brown*.] In throwing the trade open to every respectable man, as you propose, what security would you take for his conduct? Do not you think that a bond, with two securities, would be a pretty good guarantee for his respectability, and that those bonsdmen would take care for whom they became sureties, and that such a course would afford a better guarantee in reference to the character of the man than any inquiry that could be made by the magistrates?—I think that the bond would not work very well in practice. I would rather myself that a certain sum were paid down for the licence.

812. In the nature of caution-money?—Yes; it is a rather difficult, troublesome, and cumbrous proceeding to put a bond in suit; that is the only objection I have to it.

813. On a former occasion, papers were laid before this Committee, by which they learn that bonds were taken, and that the magistrates never put them in suit. Assuming that litigation were necessary, and the magistrates could leave it to the Treasury, the Board of Customs, or the Board of Excise, against which the offence was committed, would not that do away with the difficulty which exists?—Assuming that course of proceeding to be taken, I think that that would be a very prudent course to pursue.

814. Mr. *Fitzroy*.] I understand you propose, in lieu of a bond, that a sum of money should be paid down by the applicant for the licence?—I think it would be

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better. I am speaking both of beerhouses and public-houses. I should abolish the distinction.

815. Where would you lodge the money so paid?—With the proper officer of Excise.

816. For what time?—If the plan I propose were adopted, I should suggest that every man paid a certain sum absolutely to the Crown, as a duty for the licence.

817. I understood you to say, in answer to the Honourable Member for Lancashire, that it was to be caution-money?—That was a term used by the Honourable Member for Lancashire.

818. Did not you mean the payment to be in the way of caution-money?—No; as an absolute payment for the licence.

819. Would you propose that the licence should be much more costly than it is at present?—No, I should not do that; but whatever it did cost, I should propose that the sum should go to the Crown, and not to the individual, as it does under the present system.

820. Is not the licence money now paid to the Excise?—A very small sum; the person pays a few guineas to the Excise, I forget how many; and he pays a very large sum in buying the licence; probably from 100 *l.* to even a 1,000 *l.*

821. Is not that a private transaction between the parties, by which one man buys the goodwill of a business from another?—He buys the licence.

822. Do you propose that the same sum should be paid to the Crown for a licence which is now paid as a matter of private agreement between the parties?—No, I do not; but supposing the Legislature were to fix a certain sum to be paid down for every licence, it must be left to their wisdom to say what that sum should be; whether it should be a sum as great as that paid now or not, I do not know; I should think something less.

823. Do you propose to increase the price now paid for licences?—To increase the duty paid for licences.

824. To what extent?—I am not prepared to say to what amount; the magistrates discussed that question very much amongst themselves, and they were unable to fix upon any sum; 100 *l.* was suggested to be paid, and then I think it was afterwards thought better that whatever sum was paid should vary in proportion to the population; in rural districts it might be something less, and in towns more.

825. Do you propose to increase the duty on licences, with a view to very much restrict the number of existing public-houses?—No, not with the view of restricting them; I think it would make scarcely any difference in that respect.

826. Is not three guineas the sum now paid for the beershop licence?—Yes.

827. Do not you think the number of beershops would be restricted, if the licences were increased to 100 *l.*?—If it were increased to 100 *l.* in towns, I do not think it would materially decrease the number, taking beershops and public-houses together.

828. What advantage do you expect to result from fixing so high a rate of duty?—I think it would insure in the first place respectable persons, or at least persons of some substance holding such licences or keeping public-houses; that would be one advantage; and, in the next place, the money which is now paid for public-houses to individuals would go into the public purse.

829. Are you aware whether the system to which you refer of paying large sums for the transfer of licences exists to any great extent?—Yes; it is a matter of notoriety in Liverpool that such sums are paid. It is a very common thing for 300 *l.* or 400 *l.* to be paid, and I have heard of 1,000 *l.*

830. Mr. *Gregson.*] How would you improve the character of the man by requiring him to pay 1,000 *l.* to the Crown, instead of for the goodwill?—I do not know that you would improve the character of the man.

831. Mr. *Fitzroy.*] I understand, to a considerable extent, it is the practice in Liverpool to buy the goodwill of licensed houses at sums varying from 100 *l.* to 1,000 *l.*?—Yes.

832. Will you explain what difference it will make in the character of the house whether the money is paid to the Crown, or paid to a private individual, according to the present practice?—I do not know that it would have any great effect upon the character of the house; at all events, individuals would not be enriched by it.

833. I understood you to propose this system to remedy the evils which are complained of in the bad condition of those houses?—Yes.

834. How

834. How would the destination of the money affect the character of the house?—I do not mean to say that it would affect the character of the house, but it would put an end to the great evil in the present system in the trafficking in licences.

835. Am I to consider this payment of money to the Crown, instead of to the individual, as one of the remedies you propose with the view of improving the character of public-houses?—With the view of improving the present licensing system.

836. Not with reference to the better conduct of the house?—Not specially with reference to the character of the house.

837. *Chairman.*] Do you represent the opinion expressed in this memorial?—The main points of it I do.

838. I think the remedies suggested in the memorial are all with the view to improve the character of the person keeping a public-house?—No doubt that is its ultimate effect; the only remedy in fact which the magistrates particularly suggest is that the licence should be given to the person without reference to the house itself; I quite concur that the licence should attach to the person, and not to the house.

839. Then, perhaps, it is with a view to the good character of the person, you suggest that he should pay a higher price for the licence?—Yes.

840. Your view is entirely that there should better security taken with reference to the character of a person who is to keep a public-house?—Certainly.

841. Mr. *Brown.*] Assuming that you accomplish the double object, that the Treasury would not suffer by any decrease in the number of beerhouses, and that the parties occupying those houses would secure a better class of landlords, what effect, in your opinion, would it have, if every individual who had not been convicted of a felony, or notoriously the keeper of a brothel, or guilty of any offence of which the magistrates could have cognisance, had the right to demand a licence without the interference of the magistrates, and if the magistrates had the most summary jurisdiction in taking away the licence, whenever they found there was the slightest misconduct on the part of the landlord?—That is precisely my view.

842. Mr. *Fitzroy.*] Do you think an unrestricted number of public-houses in a town is an advantage or an evil?—I should think it was an evil; at all events, to have a very large number of public-houses in proportion to the population, is no doubt an evil.

843. Do you think that the number of public-houses already existing should not form an element in the calculation as to the advisability of increasing the number?—According to my view, I think not. I think you should leave the trade to be regulated by the law which regulates all other trades, namely, supply and demand. I think, if you wish to prevent drunkenness, you cannot do it by a merely mechanical remedy, such as shutting up the public-houses, but by working a change in the habits and tastes of the people by some moral agency.

844. *Chairman.*] I understand you still to recommend that public-houses, or places for selling spirituous liquors, should be subject to police regulations?—I think they should not be subject to any restrictions with reference to trade, except so far as the police regulations might require.

845. Your idea is, that if you could have better security for the character of the publican, some of those evils and disorders which arise from those houses would not occur?—No.

846. And that if the houses were put under better regulations, in case a person had an information laid against him and lost his licence, another person might be put into the same house immediately?—No, I do not mean to say so. If the licence of a house were taken away it would be a very difficult matter for another person to get another licence for that house, at all events for some years.

847. Do you mean that, in renewing the licence, the magistrate would consider whether he should license that house again, supposing the publican had misconducted himself?—If the licence were taken away for misconduct it would be utterly gone, and it could not be renewed.

848. Take the case of a house belonging to a respectable person whose tenant had misconducted himself; would you visit the owner of that property with a penalty as well as the publican, if any offence were proved?—I think it would require great discretion in the owner of the property. I think it would tend very much to cause increased vigilance upon the part of the landlords as to the persons

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whom they should select as their tenants, by making the penalty operate upon them.

849. Can you suggest any evidence with reference to the character of the applicant which should be taken before granting a licence for either a public-house or a beerhouse?—No, I cannot.

850. At present, the required certificate at Liverpool is mere waste paper?—I think so.

851. Would not a closer inquiry of the neighbours, or of the rated inhabitants, offer some assurance of the real character of the person?—Yes; but I do not see precisely how that inquiry is to be made.

852. Do you mean that it would take up too much of the time of the magistrates?—I think it would be difficult to make such an inquiry.

853. Mr. *Fitzroy.*] With regard to the rate of the licensing duty being so considerably increased, do you think it would have the tendency to indispose the magistrates to convict, in consequence of the large amount of capital sunk in those establishments?—I do not think it would have that effect upon them.

854. Even in the event of a man having paid 1,000*l.* for his licence, you do not think a magistrate would feel more indisposed to convict than he would be at present?—I think not; he ought not so to feel.

855. Mr. *Brown.*] From the great difficulty of ascertaining the character of the publican or beerhouse-keeper, would not there be a much better security for character if a bond were taken, presuming that the bondsmen would make it a point to know for whom they became bound, and that the bondsmen had a right of withdrawing their security if they found they were deceived in the respectability of the man, and that the individual could not get another licence, unless he obtained sufficient and respectable bondsmen; where a bond existed, would you prefer that the magistrates should have the power of cancelling that bond, or would you leave it to another tribunal to decide whether the bond might be put in force or not?—I should prefer that the magistrates should have the power of very summarily enforcing the bond; if you could provide that power, I think the suggestion would be very good.

856. *Chairman.*] You would make the bondsmen give a certificate of character, and in case of misconduct, you would call upon the magistrates to put the bond in suit?—Yes.

857. You think that a bondsman would take great pains in ascertaining the character of the person for whom he became surety, if he anticipated having to pay the money in case of the misconduct of the person for whom he became bound?—Yes.

858. Do you believe that such characters as those you have been speaking of could get a licence under such circumstances?—I think not.

859. I believe the magistrates of Liverpool have considered also the state of other places, such as concert saloons, temperance hotels, and singing and dancing halls?—Yes.

860. Are those places subject to a magistrates' licence?—They are not.

861. Can any licensed victualler have a concert or dancing-room, or other public entertainment without some licence?—They can have concerts and musical entertainments, but no entertainments of the stage without a licence.

862. No dramatic representations?—No; dramatic representations must be under the regulation of what is called the Theatres Act.

863. Are there a great number of those places of amusement in Liverpool?—A great number.

864. Are they increasing?—I believe they are.

865. Is the taste of the people increasing for that sort of amusement rather than drinking?—Yes.

866. Are there any evils attending those places which are complained of to the magistrates?—They are complained of by a great many persons, but I think the complaints are in some measure exaggerated.

867. Are those complaints that the persons frequenting those places drink spirits and get drunk?—Not that they get drunk; the complaint is, that they bring together a large number of persons of both sexes, young persons very frequently, and that they are led in those places into temptation, and frequently to the commission of crimes; but that has improved, I hear, of late years.

868. Had the magistrates any suggestion to make as to those places of amusement?—Yes; they were not prepared to say that such places should be separated

rated from public-houses, and that no intoxicating liquors should be sold in concert-rooms.

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869. Are those concert-rooms sometimes owned by people who have taken out licences?—Most frequently by licensed victuallers and beerhouse-keepers.

870. And the magistrates do not recommend that they should be separated?—They do not; considering the peculiar habits of the population of Liverpool, a great many of whom are seafaring persons, the magistrates think it better that such persons as those should go to singing houses, where drink is not by any means considered the first object, but merely secondary, and where they will gradually become inured to better amusement; and that drink will by degrees, it is to be hoped, lose its attraction, and that of singing and dancing increase.

871. Are many of those places notoriously ill-conducted in Liverpool?—I believe in some of those places the songs and performances are indecent, so I have heard; but I believe that the majority are fairly conducted.

872. Do the magistrates ever receive evidence of the manner in which such places are conducted, when an application is made for the renewal of a licence, supposing them to be licensed for the sale of spirituous liquors?—I do not remember a case of that kind.

873. Do you suggest a special licence for those places; or that, when the publicans take out licences, they should have the power included in the licence to keep those places of entertainment?—Supposing the present form of licence is continued, they might be continued under the same Act of Parliament; or that Act of Parliament which licenses publicans to keep billiard-tables and bagatelle-boards might be extended to such places of entertainment.

874. Have you any billiard and bagatelle-rooms in Liverpool?—A great many.

875. Do they take out licences?—They take out licences at the same time that the publicans take out their licences.

876. What regulations do you propose for those increasing places of amusement, such as saloons, concert rooms, casinos, and places of that kind?—I would merely propose to put them under proper police regulations, and that they should have a licence from the magistrates similar to the licence for billiard tables and bagatelle boards; or they might be, by a very slight extension of the Theatres Act, included in that Act.

877. Do the police now go into those places?—Yes.

878. Do the police make reports to the magistrates of the manner in which the places of entertainment are conducted?—I am not aware that they do.

879. Have the magistrates any information as to the manner in which they are conducted?—The magistrates have not any precise information. I have some returns here, which were specially made for the information of this Committee, as to the singing-houses.

[*The Witness delivered in the same, which are as follow:*]

LIST of SINGING HOUSES visited by Mr. Superintendent *Clough* and Constable *Murphy*, on the 17th of April 1853.

	Females.	Girls.	Prostitutes.	Boys.	Men.	TOTAL.
Elizabeth Gregg, Queen's Arms, Williamson-square	0	0	4	0	3	7
Hodson's, Shakspere Tavern, Williamson-square	6	3	0	12	30	51
James Ward, Globe Tavern, Williamson-square	4	0	3	0	33	40
James Broughton, British Queen, Dawson-street	2	0	5	0	8	15
James Parrington, Blue Anchor, Charles-street	0	0	14	0	18	32
William Simpson, Grecian Saloon, Murray-street	3	1	2	3	50	59
George Evans, Molly Malony, Upper Dawson-street	0	0	0	0	10	10
Baggiani Saloon, Whitechapel	0	0	9	0	18	27
Tonque, Beerhouse, Blundell-street	0	0	20	0	100	120
Heath's Colosseum, Paradise-street	150	50	20	100	180	500

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LIST of SINGING HOUSES visited by Mr. Superintendent *Clough* and Constable *Murphy*, on the Night of the 22d of April 1853.

	Females.	Girls.	Prostitutes.	Boys.	Men.	TOTAL.
Elizabeth Gregg, Queen's Arms, Williamson-square	4	4	0	0	3	7
Hodson's, Shakspere Tavern, Williamson-square	6	3	8	0	40	57
James Ward, Globe Tavern, Williamson-square	9	11	0	0	33	53
James Broughton, British Queen, Dawson-street	0	7	0	0	20	27
James Parrington, Blue Anchor, Charles-street	0	12	0	0	10	22
William Simpson, Grecian Saloon, Murray-street	3	0	0	1	4	8
Naylor, Vine Tavern, Great Charlotte-street	10	20	0	0	130	160
George Evans, Molly Malony, Upper Dawson-street	0	0	0	0	15	15
Rosbottom's Saloon, Waterloo-road	10	0	6	0	70	86
Langan's Saloon, Regent-road	30	0	5	0	130	165
Glover's Saloon, Regent-road	7	0	0	0	90	97

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880. From these returns it would appear, that the places of entertainment are not all of the most respectable kind?—No; of course they are not frequented by the most respectable class of persons.

881. Do you know whether the more respectable inhabitants complain of them, and wish them to be subjected to magisterial regulations, more than they are at present?—They do.

882. If there were anything positively illegal, would the police have the right to interfere in those places of entertainment, as elsewhere?—If they were held at a beerhouse, or at a public-house, the police visitation would apply to them, but not otherwise.

883. You do not know whether the police have any special directions to visit them?—I do not think they have, unless they happen to be held at public-houses or beerhouses.

884. Do you know that it is the opinion of the magistrates of Liverpool, with respect to those houses, that they are a growing evil, that they are a great means of corrupting young persons, and that there should be some amendment of the law immediately with reference to them?—I think they should be put under better regulations; but, at the same time, that nothing should be done which should have the effect of restricting innocent and proper amusements; that every facility should be given to those amusements, but that they should be put under better supervision.

885. Is it within a recent period that those houses have become so much in vogue at Liverpool?—They have rapidly increased.

886. Mr. *Brown.*] Do not the proprietors of the theatres give security now when they get their licence?—Yes.

887. Would not that be very much what you would suggest for beerhouses and public-houses?—Yes, with a sharp look-out upon the securities; a bond is not always a very effectual check.

888. What is the bond given by the proprietor of a theatre?—It is generally a bond in 200*l.*

889. *Chairman.*] Is that bond given with respect to the character of the representation?—It is for the faithful observance of the rules with relation to theatres.

890. What is a temperance hotel?—A place where tea and coffee only are sold.

891. No spirituous liquors?—No.

892. Sir *G. Goodman.*] Do the temperance hotels furnish lodgings also?—Yes; lodging-houses are licensed very often.

893. Mr. *Fitzroy.*] What are the complaints urged against temperance hotels, as referred to in that memorial?—I think the chief complaint is the want of power

power in the police to visit those places, and nothing more. The magistrates do not say anything more, but merely that it is requisite that the police should have the same power of visiting those places that they have of visiting beerhouses and public-houses, as it is possible that bad characters may be driven from beerhouses and public-houses into those places, where they would have comparative immunity from the visits of the police.

894. *Chairman.*] Would you give the police power to turn out the people whom they found at those places?—I have some doubts upon that subject.

895. Lord *D. Stuart.*] What is the difference between a temperance hotel and a coffee-shop?—I am not aware of any difference.

896. *Chairman.*] The magistrates recommend a police visitation of coffee-shops; I presume they have no power at present to visit coffee-shops?—No.

897. Do you know anything of the coffee-shops at Liverpool?—No.

898. Have they increased very much in Liverpool of late?—They have.

899. Are the coffee-shops open all night?—I am not aware of that.

900. Have you any local Act which regulates all those houses?—The magistrates have no jurisdiction whatever.

901. Mr. *Brown.*] Have the magistrates any jurisdiction in the tea-gardens?—They have no jurisdiction over them.

902. Lord *D. Stuart.*] Do not the temperance hotels provide lodgings?—They do frequently, but not always.

903. Sir. *G. Goodman.*] Do the coffee-houses furnish lodgings?—Yes.

904. Mr. *Brown.*] Do you think it would be desirable to allow grocers to sell spirits and wine in legal quart bottles over the counter, but not to be drunk on the premises?—I think it would be an advantage.

905. Sir *J. Pakington.*] Are the temperance hotels, of which you speak, respectably conducted?—I am aware of no complaints. I believe they are generally well-conducted.

906. Earl of *March.*] What advantage would arise from allowing grocers to sell wine or spirits over the counter, not to be drunk on the premises?—I think it would tend to check drinking in public-houses.

907. Do not you think that such a system would have the effect of inducing people, who went to grocers' shops for other purposes, to get wine or spirits, when they would not otherwise do so?—I think not, if grocers' shops were allowed to sell wine or spirits. If a man wanted any spirits, he would go to the grocer's shop, if he thought he would get them better than at the public-house; there would be no greater inducement than allowing public-houses to sell them.

908. Mr. *Brown.*] Would it not be very convenient for gentlemen resorting to watering-places, who did not like to send their servants to a public-house to get a bottle of wine or spirits, which they might want while they were a few days in lodgings, if they could get it at the grocers' shops?—I think that would be a great convenience.

909. Are druggists now licensed for selling spirits as medicine?—I am not aware of that. I think not in England.

910. Would you consider it desirable, when a licence is taken out for a public-house, that the individual should devote his whole attention to the public-house business, and not engage in any other business to take his attention from his public-house, or would you allow him to carry on two or three descriptions of business?—I am not prepared to say that a man should not be allowed to carry on any other business, because public-house keeping is an idle sort of occupation, and I think that the man might beneficially work at another trade in the house. I think every person should reside on his premises, and exercise a control over the house.

911. Lord *D. Stuart.*] Are there any complaints of the temperance hotels selling spirits, or pretending to give away spirits clandestinely?—We have had one or two informations laid by the Excise with reference to what are called oyster-houses, which, I presume, come under the denomination of tea and coffee-shops. There was an information lately against two of them, at the suit of the Excise, for selling spirits without a licence.

912. Mr. *Fitzroy.*] You have stated that you think it would be advisable to take away from the magistrates the power of granting licences; to whom do you propose to transfer the power?—I am not prepared to say to whom I should transfer the power. I see no reason why the power of granting licences should not be transferred to the Excise, as under the present Beerhouse Act.

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913. *Chairman.*] You would transfer the power of granting licences to some public authority?—Yes, to some public and independent authority.

914. Mr. *Fitzroy.*] Upon what ground do you propose to take away that power from the magistrates?—I think, so long as the magistrates exercise the power, there will be certain dissatisfaction and discontent on the part of the public with reference to their proceedings. I do not see how they can exercise the power so as to do justice to all persons.

915. Do you mean that discontent exists on the part of those whose applications for licences are refused?—Yes.

916. Supposing the power to be granted to a public officer, and not a magistrate, do you think that dissatisfaction would cease?—I think the decisions of that officer would be at all events uniform and regular. If you could suggest any principle by which the decisions of the magistrates could be made regular, uniform, and certain, then it would tend to do away, in my opinion, with the objection I have at present to the administration of the law by the magistrates.

917. Have not the wants of the locality furnished the principle upon which the magistrates have proceeded to grant or refuse licences?—Yes; but it is an uncertain principle in its operation, as the return which I put in just now shows.

918. *Chairman.*] You think it is a discretion that must be exercised rather capriciously, and produces dissatisfaction from a sense of injustice in those who do not get licences?—Exactly so.

919. Earl of *March.*] I understand you to state, notwithstanding this dissatisfaction which has existed to a very great extent, that you do not recollect any case in which an appeal from the decision of the magistrates for not granting a licence in the first instance has been successful?—It is very seldom there are any appeals upon new applications. I do not remember in my experience any appeal at all; there had been such appeals before I had anything to do with it.

920. Mr. *Brown.*] Would such an appeal be of any value whatever; is not the magistrates' decision final?—The person aggrieved may appeal to the quarter sessions.

921. Sir *J. Pakington.*] When you speak of transferring the power of granting licences to a public officer; in what public officer do you contemplate that power should be vested?—I have not sufficiently considered who that public officer should be. I thought of the Commissioners of Inland Revenue.

922. Do you mean a public officer for the kingdom, and not for the locality?—Some authority independent of all local interest.

923. Do you contemplate a local authority or a national authority?—I should say a local authority in large towns, like Liverpool.

924. You have not considered who the officer should be?—I have not sufficiently.

925. What have been the specific complaints at Liverpool with regard to the exercise of the licensing power by the magistrates?—That their decisions have been irregular, arbitrary, and capricious.

926. Who has made those complaints?—The decisions have been the subject of general complaint. I cannot refer to any particular individuals.

927. Have they proceeded from the public generally, or from the parties to whom the licences had been refused?—I think from the public generally.

928. When you say that the power of granting licences has been capriciously exercised, do you refer to any particular sort of caprice?—Yes, to the example I gave in the early portion of my evidence, where two persons, who were equally fit, and whose houses were equally fit for a licence, applied for a licence, and where one got a licence and the other did not. I heard one of the magistrates say, "It seems to be nothing but a toss up of a halfpenny, and that decides the fate of the applicant in such a case."

929. In such a case as that, is not it possible that the magistrates might consider that the district required one and not two public-houses, and therefore that they must make a choice?—No doubt that was the principle upon which the decision proceeded.

930. Is it quite possible that the magistrates might act upon such a principle, without the least intention of unfairness to either party?—They might think that one public-house and not two was sufficient. My own opinion is, that that is not a proper subject of discretion for the magistrates.

931. I understand you to say, although you have heard of these complaints, and although the power of appeal exists, that you do not know of any instances of that power

power of appeal having been exercised?—Not within my experience; but I know that appeals have been laid in Liverpool against the decisions of the magistrates for refusing a licence in the first instance. *J. Wybergh*, Jun., Esq.

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932. Do you know what the result of those appeals has been?—No, I do not.

933. Do you now bear in mind any particular instances?—No, I cannot mention any instances.

934. How many do you recollect?—Perhaps one or two.

935. In the case of appeal at Liverpool, to what court does the appeal lie?—To the court of quarter sessions for the county.

936. Not to any borough authority?—The recorder is specially prohibited from trying any appeal in such cases.

937. Mr. *Brown.*] Was it not the very onerous and unsatisfactory position in which the magistrates of Liverpool found themselves, from having no rule to guide them with reference to the cases in which they should or should not grant licences, that caused them to ask for a Parliamentary Committee to investigate the matter, and relieve them from that position?—It was.

938. Would not the trade of a place regulate the number of houses wanted, provided those houses were conducted by respectable people; and would not that be a better guide than any decision of the magistrates as to whether a house was wanted or not wanted?—Yes.

939. Lord *D. Stuart.*] You have said that in your opinion it is desirable to transfer the power of licensing public-houses from the magistrates to some other authority, but you are not prepared to state what that authority should be; is it not your opinion, that whatever the authority was, there should be the power of appeal?—Yes; I should give a power of appeal, certainly.

940. To whom would you give that power of appeal?—I should think the judge of the county court would be a very fit officer to take the appeals.

941. Earl of *March.*] Would you prefer giving the power of granting licences to a local or a national authority?—I think to a local authority.

942. Do you not think that local authority might be biassed quite as much by local influence as the magistrates?—A local authority would have some certain rule to go by, and I think such an officer as the county court judge, or a gentleman in that position, would give his decisions free from any bias, and free from any imputation, because there are no local influences which could work upon his mind.

943. In the case of the two houses you have mentioned, both being equally eligible as to their position and tenants, what would there be to guide a local authority in granting a licence to one or the other more than exists at present with the licensing magistrates?—If my view were carried out, it would be beyond the power of any authority to refuse licences in such a case as that; I should make it absolutely requisite that the licence should be granted to both the houses.

944. To everybody, in fact, asking for a licence?—To everybody whose character was good, asking for a licence.

945. Sir *G. Goodman.*] You would grant licences to public-houses as in the case of beerhouses?—Precisely.

946. Mr. *Brown.*] If the licence were granted by a local authority, by which you mean a branch of the national authority, you would probably require a certificate from the magistrates that no conviction had been obtained against the individual seeking the licence; and upon such proof being given, he would get his licence?—That would be a very excellent precaution.

947. Mr. *Fitzroy.*] Would you propose that the decision of the county court judge should be final, and over-ride the national authority altogether?—In case the Excise granted the licence, the suggestion, with reference to the county court judge, would not be at all available.

948. I understood you to say, that whatever system might be introduced, you thought an appeal would be requisite; to whom would you now propose to make the appeal?—Assuming that the power of licensing were vested in somebody or other; but I would make the licence, supposing there were no disqualification in point of character, precisely as it is now under the Beerhouse Act, and any person who should go to the proper officer of Excise, and who could produce a certificate that his house was of a certain rental, and had not been before deprived of a beer or spirit licence, and who might be willing to pay down the sum, whatever it might be, which the Legislature thought fit to fix, should have a licence.

949. *Chairman.*] Would you make the decision of the person to whom you

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would give the power to grant a licence, or withhold a licence, a final decision?—I would leave the applicant to appeal somewhere if he felt himself aggrieved by the refusal of the officer; but, at the same time, when it is remembered that I propose that no discretion should be allowed if certain requisites are complied with, I can hardly conceive how an objection can arise.

950. You think that the person to whom you would give the power of granting or withholding licences in the first instance should be permanent, and above all suspicion as to local bias; but that there should be the power of appeal somewhere?—Yes; I think so. The remedy would be not by appeal if the power of licensing were transferred to the proper officer of Excise, who would be a ministerial, not a judicial officer, and if he refused a licence the party aggrieved would have to seek redress by application for a mandamus to the Court of Queen's Bench.

951. You are of opinion that the person so appointed should be independent of local interests, though competent to judge of the requirements of the place?—Yes.

952. Are there any inquiries made by the magistrates as to the quality of the beer that is sold in the public-houses at Liverpool?—None.

953. If the beer sold in any public-house were bad and dear, that would not be a ground for refusing the renewal of the licence?—No, it would not.

954. Is it not possible that such a thing might occur if a person had a licence in a particular district where he was not subject to any competition?—Yes.

955. Have you known instances of complaint of the character and price of beer?—I understand there are certain brewers, the owners of public-houses, who do not sell good beer, who sell an indifferent article; and yet their tenants are compelled to take the beer from them, as the condition of their tenancy.

956. You say some particular brewers, or the Licensed Victuallers' Association, cause a person to attend at the licensing sessions to resist the application for new licences?—Both together; the Licensed Victuallers' Association and the brewers, and other persons interested.

957. There is such a person to attend to resist the applications for new licences?—A solicitor frequently appears for individuals applying for licences. Sometimes he has appeared for the Licensed Victuallers' Association. On one or two occasions he has appeared for individuals, and those individuals, on inquiry, have turned out to be publicans in the neighbourhood who oppose the granting of a new licence, because they think it would injure their trade.

958. Would it be one of the advantages of allowing the trade to be open that it would insure competition and the supply of a good article?—Yes.

959. Sir *J. Pakington.*] Do you remember many cases of beershops and public-houses in which the licences have been forfeited for misconduct?—There have been several cases within my knowledge of public-houses having lost their licenses.

960. In those cases, has the licence been continued by another person as a public-house?—No; it has generally become a beerhouse. The person takes out a licence for a beerhouse, and only keeps it for a beerhouse. In all those cases in which the licences have been taken away, they have not been taken away during the currency of the licence, because the mode pointed out by the statute is troublesome, and they have been withheld at the next annual sessions.

961. When those houses have been re-opened as beerhouses, have you found that they have been ill or well conducted houses?—They have been generally ill conducted.

962. Sir *G. Goodman.*] Is it your opinion that the value of public-house property has declined within the last few years?—I am hardly able to answer such a question; but I apprehend that as more licences are granted the tendency is to bring down the value of public-house property.

Veneris, 13° *die Maii*, 1853.

MEMBERS PRESENT.

Mr. Villiers.	Sir George Grey.
Mr. Brown.	Mr. Fitzroy.
Sir John Pakington.	Lord Dudley Stuart.
Mr. Gregson.	Sir G. Goodman.

THE RIGHT HON. C. P. VILLIERS, IN THE CHAIR.

Robertson Gladstone, Esq., called in; and Examined.

963. *Chairman.*] YOU are in the Commission of the Peace for the borough of Liverpool, are you not?—I am. *R. Gladstone*, Esq. 13 May 1853.

964. I believe you were present at a meeting recently held by the borough magistrates, for the purpose of making a report on the system of licensing public-houses?—I was present.

965. Can you tell the Committee what led to that meeting of the magistrates; was it upon representations made by the inhabitants of the evils arising from those houses?—There was a general dissatisfaction, both out of doors and in the minds of many of the magistrates, with the working of the present system of granting licences, which led to it; some of the magistrates had expressed an opinion, in open court, unfavourable to the present system.

966. Was that opinion applicable to both victuallers' houses and beerhouses?—To both.

967. With respect to victuallers' houses, the licences are granted by the magistrates?—They are.

968 The magistrates appoint a day for the purpose: they hear applications, and direct inquiries after receiving the applications, to learn the character of the persons applying, as well as the wants of the district for which the licence is required?—That is the course followed.

969. Is it with that system that the magistrates are dissatisfied, in consequence of any evil that arises from it?—They are dissatisfied with the system mainly, I conceive, because they have no fixed rule to go by in determining who should have licences, and whether those licences ought to be given with reference to whether the district requires them or not.

970. Would it be in the power of the magistrates to lay down any general rule for themselves?—No. I think the difficulty lies mainly in this, that under the present system, it is impossible to lay down a rule.

971. Is that owing to the state of the law, or the power of appeal against any decision of the magistrates?—I think it depends mainly upon the principle that no man can say how much other men ought to eat or drink.

972. Will you state to the Committee what is the practice of the magistrates upon any application for a licence; how far do they direct inquiries into the character of the publican, or into the wants of the district?—There is, generally, a recommendation, signed by the inhabitants, as to the character of the individual, and expressive of the necessity for an additional licence being granted. The particular locality is afterwards visited by two or three magistrates, as the case may be, who are appointed to inspect the premises, and they make a report in favour of, or against, the application.

973. That is a security that no one but a proper character shall obtain a licence?—As respects character, the question is more easily answered; as to the wants of the district, there is considerable difficulty. They act, I believe, from the purest motives; but when they feel indisposed to grant a licence, their statement generally is that they consider an additional public-house is not wanted.

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974. What is their rule as to the requirements of a district; is it that there is a want of an additional public-house, there not being accommodation enough?—They think, if they see a number of public-houses in a street, an additional one is or is not wanted, as the case may be; but they have no principle to guide them in the matter. They do not calculate the extent of the district, or the number of inhabitants, and make a calculation allowing so many houses to so many people; it is little better than caprice.

975. Do they consider the interests which are vested in the houses already in existence?—I do not think they do; they are not themselves interested in such matters, and therefore I do not think their decision has any reference to the prosperity or otherwise of the existing licences.

976. The Committee has heard that persons are in the habit of attending, at Liverpool and elsewhere, to represent licensed victuallers, or persons owning the houses which those victuallers occupy, to resist new applications?—That is very commonly the case.

977. I presume one ground of opposition to a new licence being granted is the injury it would do to the property which is so invested?—No doubt that is their objection; but, as far as I have seen, I think the magistrates, in most cases, form the best judgment they can; and my opinion is, that the statements made by the parties referred to have very little weight indeed with the magistrates.

978. Is there any rule which you would yourself suggest, if it could be acted upon invariably, which ought to be observed in granting those licences?—I think myself that the present system, whilst it may be difficult to suggest the best remedy, is as bad as it well can be; and as far as I am acquainted with the opinions of the majority of the magistrates, most of them believe that although it is very difficult to suggest what we ought to have, yet we cannot be worse off than we are.

979. The Committee would like to know why you have come to that conclusion. Apparently, from what you say, the magistrates are not influenced by any sinister motives, and they do take some pains to inquire whether the district requires the public-house that is applied for, and also into the character of the applicant; what are the peculiar evils which make you conclude that the system is bad?—The main mischief of the present system I conceive to be, in one respect, the practice of selling licences, which has, I believe, a very injurious effect, inasmuch as if a party having a licence desires after a certain number of years to retire from trade, he knows very well if he can show that he draws a certain number of casks of beer, or a certain quantity of spirits, and so on, the licence will sell for a considerable price, and licences are very commonly bought and sold. I contend that a licence granted as it is now by the magistrates is not the property of the individual, it is the property of the community and the country; it is not the man's own property, though it is his to deal with it as long as he has it.

980. Has he any power to transfer the licence without the authority or cognizance of the magistrate?—No; it comes before the magistrate, but the man receives a *quid pro quo*, and we know that it has been received, and that it is the practice to receive payments by some of the most respectable individuals in the town.

981. Sir *G. Grey*.] When you speak of the right of transferring a licence, you do not mean that a publican can transfer his licence to another person without that person going before the magistrate?—Certainly not.

982. What you mean by the sale of a licence is, that the good will of the house is sold upon the expectation that the person who buys it will get the licence?—Yes, unless there is some very strong objection stated, the character of the individual or of the house, the licence is invariably transferred.

983. *Chairman*.] When you say that system gives dissatisfaction to the inhabitants, is there any evil associated with it in the minds of the people?—Yes; because it facilitates this practice of buying and selling licences, which has an injurious effect in a very great variety of ways. It leads to this, that the brewers of Liverpool become possessed of a vast number of licences in their own persons, and in the case of municipal and Parliamentary elections the power and influence that they have from holding those licences has a most injurious effect.

984. Will you explain how the brewers possessing those licences either use or abuse them for political and party purposes?—The parties frequenting those public-houses are most of them, or many of them, voters, and the landlords of those houses are under the influence of the brewers, and the brewers of course

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can turn the tide as they may think proper up to a certain point, and there is no doubt that they do so.

985. Do the brewers acquire those licences with more facility than other persons from their connexion with the magistrates?—I believe they purchase them very frequently; the applications are made for licences not in the names of the brewers, but in the names of those who are their representatives and who are under their control.

986. Has a brewer any extraordinary influence over the magistrates to induce them to confirm the transfer, or to grant a licence?—None whatever; but the magistrates never refuse unless there is some serious or formidable objection raised to the character of the man, or of the house, from the reports of the police or other sources.

987. Have you found that a house is worse conducted when the licence has been transferred than when it was under the control of the person originally receiving the licence?—No, I do not think that follows at all; but the practice of transferring is in favour of the sale of licences, which, I conceive, to be wrong in principle.

988. Will you state what you consider ought to be done with respect to granting a licence; you said that it was the property of the community, or at least that there should be great care taken in granting it, the object being to protect the community against any evil which might arise from the existence of a public-house?—I think that there should be no transfer of licences unless it is from one street to another under an entirely new system, which if the Committee wish I will explain.

989. Mr. *Fitzroy*.] What is the practical evil that results from the sale of those licences?—I think that the party selling the licence is selling what does not belong to him.

990. That is scarcely a practical evil; what practical evil results from a party who is in a position to pay 1,000*l*. for a licence, buying that licence from the man who sells it?—He enjoys a monopoly.

991. Sir *G. Grey*.] Is it not the existence of the monopoly which makes those licences of so much value?—Yes.

992. In any other business, is not it the common custom to sell the good will of a house?—Where there is a very good business it is no doubt the practice.

993. Would not the good will of a house sell at a higher price in proportion as that business is a monopoly?—That is the case at present. It is very well understood that there is difficulty in obtaining new licences, and the party is very sure of getting a good price for what he has.

994. The greater the difficulty of obtaining new licences, the greater the value of the licences existing?—Yes.

995. *Chairman*.] You state that there is a difficulty in getting a licence?—Latterly there has been; the magistrates now see that the system is defective.

996. As far as I understand you, the monopoly is created by the difficulty in obtaining any new licence from the magistrates?—Yes, that difficulty has very much increased of late.

997. The magistrates being perfectly independent of any connexion with this kind of property, what constitutes the difficulty of getting a new licence?—The magistrates think that there is a sufficient number granted; in most instances that is their decision. I believe at the last licensing session there was not one licence granted, and if I mistake not, there were some hundreds of applications for fresh licences; that, of course, while it assumed a very moral aspect to the community, was at the same time benefiting those who held existing licences, and giving them to a certain extent a monopoly.

998. Is there any complaint of the decision of the magistrates in not granting more licences, and that the district is inconvenienced from the want of additional public-houses?—No, I am not aware that that is the case, but I know that there is a very great dissatisfaction exists with the mode in which licences are granted; some individuals are supposed to be favoured, and others do not receive what they consider themselves to be entitled to.

999. Mr. *Fitzroy*.] Dissatisfaction exists on the part of those who have had licences refused to them?—And I think in the minds of the magistrates as well.

1000. Sir *J. Pakington*.] Are not you using an erroneous expression when you talk of selling the licence; there is no power of selling the licence, is there?—No.

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1001. What you call selling the licence is only selling the good will of the house, is it?—That is so in point of fact, but the phraseology is, that the licence is to be sold, and in truth that is really done.

1002. I presume the carrying into effect such a sale and purchase hinges upon the contingency of the magistrates consenting to transfer the licence?—Precisely.

1003. And in so transferring the licence the magistrates are not influenced by the fact of such a sale and purchase having taken place?—They know nothing of what takes place.

1004. What public evil do you attribute to the fact of those sales taking place?—The great evil is this, that every man in a public-house has a direct interest in making as many people drunk as possible. In that way he is able to show an immense consumption of beer and spirits on his premises; and, as I have already stated, according to the amount of consumption he can show, he receives a higher or a smaller price.

1005. Is not it equally the pecuniary interest of a tradesman selling beer to make people drunk whether he has bought the good will of his house or not?—I think not; the inducement is very considerably changed by this circumstance, that if he attempts to make his house valuable in the mode in which I have stated, if the trade is thrown open, he will have this always before him, that next door there may be a competitor to his own house.

1006. In what sense do you speak of the present system as a monopoly; there is no limit to the number of licensed houses, except the limit fixed by the discretion of the justices?—Precisely.

1007. Do you suppose the justices to be influenced by any sinister or improper motives in granting or refusing licences?—No.

1008. Do not you suppose that they grant licences with reference to the number which the requirements of the population demand?—They have no rule or principle to guide them whatever; they form the best judgment they can.

1009. Upon what is that judgment founded?—Generally speaking, upon a sort of vague opinion that the district requires an additional house, or does not require it.

1010. I understand you to admit that you consider the requirements of the population to be an element in their judgment?—It is so assumed, but in reality they can form no judgment; they cannot tell what the people require.

1011. Do you doubt that in the event of an increase of population, and therefore an increase of demand, the justices would grant an increased number of licences to meet the demand?—If it were clearly shown, but it is a matter in which they experience the greatest difficulty.

1012. Making that admission, in what sense is the existing system a monopoly?—It is a monopoly, because other parties cannot engage in the same occupation.

1013. Why not?—Because the magistrates would say, "No, there are a sufficient number of licences granted already;" but, unfortunately, they cannot know whether there is a sufficient number granted or not. In a town like Liverpool, it is impossible for them to say whether a new licence is wanted or not.

1014. Do not you hold that both the monopoly which you allege, and also the requirements of the population, are met by the existing system of beerhouses, under which a man can obtain a licence without any reference to the justices?—No, I think not.

1015. That does not meet your ideas of monopoly?—No; I think the practice of the magistrates is decidedly in favour of the principle of monopoly at the present moment.

1016. Mr. *Brown.*] Are the magistrates the proper judges of the requirements of the trade of such a place as Liverpool or London, where there is a constant influx of strangers passing to and fro, and where there is no means of measuring the demand?—I think they are not competent to form a judgment.

1017. Is there not a very strong feeling that public-houses have vested rights, and that, unless there is something very gross on the part of the occupier of one of them, he will be allowed to transfer his licence to another?—It is invariably the case, I think, that the transfer is allowed.

1018. Would not the trade much better regulate itself if it were thrown open to every man who had not been convicted of any offence, on giving proper security

rity to the public for his good conduct, either in the shape of a bond or caution money, or paying a higher sum for the licence; was not it the case that when the beerhouse trade was thrown open, there were a great number of houses opened immediately, but the wants of the trade so regulated themselves that the number soon fell off to what the public required?—I think that the principle of supply and demand would regulate the whole thing satisfactorily.

1019. You would grant a licence to any honest man who would give the proper security?—And who would pay the proper sum annually.

1020. Sir *G. Grey.*] You say that the magistrates inquire into the wants of the district; what do you mean by that; do they inquire whether there are public-houses enough to supply the beer which the magistrates think the people ought to drink, or do you mean that there are public-houses in the district which they think ought not to be interfered with, on account of the property vested in them?—I think they generally confine themselves to the particular locality for which the application is made; and if they see that there are a good many houses in a certain street, or if they see that there are none, to the best of their judgment they say yea or nay.

1021. I suppose the person applying for the licence thinks that he can carry on a profitable business?—Yes.

1022. Do the magistrates differ with him in that opinion, or do they think that the opening of a new public-house will lead to increased drunkenness?—No doubt that is what they think will be the case.

1023. They think that multiplying public-houses in a district will increase drunkenness?—Yes.

1024. Is that your opinion?—No. I believe we have at present upwards of 1,400 spirit licences in Liverpool, and some 800, or 900, or 1,000 beerhouses. I believe every person in Liverpool, that is disposed to get drunk, does get drunk; and I know that in many of our leading streets, one street I can name at this moment, Dale-street, which is frequented by every class of society, any man may get drunk every day of the month, and never go into the same house twice.

1025. You do not think that the present restriction placed upon the number of licensed public-houses tends to diminish drunkenness?—Not in the slightest degree.

1026. You state that the licensed victuallers frequently attend to oppose the grant of fresh licences; I suppose they do it, not on account of the wish to frustrate drunkenness, but with the avowed desire to keep up the value of their own property invested in public-houses?—They like to keep the means of making people drunk in their own hands.

1027. Sir *J. Pakington.*] You say that in one street in Liverpool there are so many public-houses that a man may go into a fresh one every day in the month; does not that prove that the monopoly you speak of must be rather an extensive one?—I believe at this moment, as far as the number of public-houses is concerned, everybody can get drunk if he wishes to do so. In fact, I have been informed, though I do not know it personally, that the number of failures among licensed victuallers especially, every month, is very considerable, showing that if the evil arises from the number of houses licensed, it is as bad as it can be; and, therefore, it is the principle that should be corrected; the number of houses in existence being a question beside the mark altogether.

1028. *Chairman.*] Is it any evil connected with the present system of licences that causes the misconduct of the occupiers of those houses; does the present system prevent those houses being properly conducted?—I should say the worst conducted houses in Liverpool are those which have concert rooms and music attached to them. I should be very sorry to see those sources of recreation taken from the working classes, but I believe it is the case, that there is more drunkenness in them than in other places; whether those rooms are well regulated or not is another question.

1029. With respect to the conduct of the occupiers of those houses who get their licences from the magistrates; as you have stated to us that you sit as a magistrate of Liverpool, is the misconduct of those houses often brought under your attention?—Very frequently.

1030. What are the principal offences with which they are charged?—Principally keeping irregular hours, and Sunday trading.

1031. How are those offences brought under your notice; is it by informations laid by the police?—Yes.

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1032. Have the police directions to inform against the public-houses for all offences of which they may be guilty?—They have; and they do so, to a great extent.

1033. Do you confirm the statement, the principal offence of which those parties are guilty is opening their houses on Sunday?—Yes, out of the prescribed hours.

1034. Those are the principal offences?—Yes.

1035. Those are the principal offences which come under your notice as a magistrate?—Yes.

1036. Have you reason to believe that you are informed of all the offences which take place in public-houses?—The number of offences is very considerable which comes before the notice of the magistrates; very possibly there may be others which the magistrates never hear of, because the police have no authority to go into public-houses for any other cause. Unless there is something very material they never go into the houses to see whether they are well conducted or not.

1037. When there are several informations, or several convictions against a public-house, what effect has that when the publican applies for a renewal of his licence?—I think after the third fault, the practice has been to refuse the licence.

1038. By the magistrates?—Yes; and I have never known in any instance the magistrates in the slightest degree affected by favour or affection from any quarter.

1039. It depends upon the police whether they shall be convicted the third time, or whether any convictions shall be brought about, and consequently whether the licence shall be withheld?—Precisely.

1040. The licence being withheld, causes a great loss of property to the person who owns the house?—It is a very serious loss.

1041. The Committee has received some evidence as to the persons who appoint the police, whose vigilance seems to be the principal check upon those houses; are the police dependent upon the watch committee of Liverpool?—They are.

1042. Are they so far dependent that they might be removed by them; do they depend for promotion upon this watch committee, and in fact does their original appointment rest with the watch committee?—The magistrates have power to dismiss, but not to appoint the police.

1043. Is it the case that there is no restriction as to the persons who may be upon the watch committee, as there is with respect to the bench; for instance, may brewers and distillers, and persons owning those houses, be upon the watch committee?—Yes, and they are so at the present time.

1044. Is it your opinion that the police can be considered to be independent in their conduct with respect to those houses, if they depend upon the watch committee, many of the members of which, and perhaps the principal ones, are owners of those houses?—I believe it has a very unhealthy influence over the police.

1045. It is possible that the magistrates do not hear of all the offences which are committed in those houses, because the police have not an interest in laying informations, but rather in withholding informations?—I am not aware of any grounds for saying that the police have withheld informations; but the circumstance which has been alluded to is considered to have a very injurious influence on the police force, the fact of the watch committee, who are members of the town council, and engaged in the particular lines of business which have been mentioned, being the parties to appoint the police, and the magistrates only having power to dismiss, the magistrates not being members of the town council beyond a very limited extent.

1046. The magistrates are not on the watch committee?—They are not on the watch committee.

1047. It is chiefly composed of town councillors?—Yes.

1048. Do you know of any instance in which there has been a difference between the magistrates and the watch committee, owing to some interference on the part of the watch committee with the police, with respect to the conduct of the police towards public-houses?—Not of late years; I think there was such a difference in the time of the late Mr. Rushton, who was our stipendiary magistrate, but of late years nothing has come out of that kind that I am aware of.

1049. Are the informations chiefly laid before the stipendiary magistrate, or before the magistrates of the borough?—Either the one or the other; there are two courts sitting every day now, which was not the case under Mr. Rushton; all the

the more important cases go before the stipendiary magistrate, and the minor cases go before the borough magistrate; he has, perhaps, more to do with police communications than the stipendiary magistrate.

1050. The stipendiary magistrates are quite independent of the local interests, and of property in the borough?—Quite so.

1051. That is not necessarily the case with the borough magistrates, is it; they may be connected with property, and be locally interested, and in fact are so?—They are so, most of them.

1052. There is nothing to preclude a magistrate from being connected with property in the borough?—Nothing.

1053. There is no rule laid down that if they are so they shall not adjudicate upon any case which comes before them?—There is no rule of the kind.

1054. Have you anything to suggest with respect to amending the law and increasing the means of getting evidence against those public-houses; would you give a greater right to the police to enter them, or appoint the police differently, so as to enable them to act independently?—I think the duties of the police would become very much lighter if the system were changed, in fact, if the trade were thrown open.

1055. If I understand you rightly, you would allow every person to have a licence, and subject every house to regulation?—Yes, to police regulation; the system adopted as to beerhouses, I think, should be extended to spirit licences.

1056. You do not say that the police should not interfere; on the contrary, you are for the police interfering, and for more stringent regulation, but you would allow the trade to be thrown open, so that every person should have a licence who complied with the conditions of the law?—Yes, under certain circumstances.

1057. You would think it very important that the police being the only witnesses the magistrates can depend on, should be quite independent in their conduct upon this matter?—I do.

1058. They should be under no apprehension of being dismissed by the owner of a public-house against which they laid an information?—I think so.

1059. That has been the case at present, I understand you to say, at Liverpool?—The magistrates have no power to appoint, only to dismiss; in fact, the power is in the watch committee.

1060. The police are aware that the watch committee can dismiss them if they are not satisfied?—They are.

1061. And can withhold promotion from them?—Yes.

1062. Sir *G. Grey.*] You stated just now that the police had not power to enter those public-houses at all times?—If there is any formidable row going on they may, but unless it is something very serious they refuse to enter; but the detective force do enter for the purpose of seeing, on Sundays especially, whether the prescribed hours are observed or not.

1063. Are you aware of the provision contained in the 5th section of the 11th and 12th Victoria, the Act for regulating the sale of beer and other liquors on the Lord's-day, which is in these words: "And be it enacted, that it shall be lawful for any constable at any time to enter into any house or place of public resort for the sale of wine, spirits, or other fermented or distilled liquors; and every person who shall refuse to admit or shall not admit such constable into such house shall be deemed guilty of an offence against this Act." Were you aware of that provision?—Yes.

1064. Does not that give an ample power to a police constable to enter a licensed public-house at any period?—I think that applies more to Sundays than to other days; at least that is the practice.

1065. The law gives the power; do you mean that in point of practice that power has not been exercised at Liverpool?—Not during week-days; it is on Sundays principally.

1066. Why has not that law been put in force; you have stated as one of the defects in the present system that the police have no power to enter a public-house at all times?—That provision has not been enforced; I do not know that the necessity is great for their interference, because if they went in and merely saw people drinking, there would be nothing for the police to do; it is when the law is violated on Sunday principally, and when the prescribed hours are transgressed, that they enter.

1067. *Chairman.*] Have they the right to enter the house upon the presumption that some one is there, though the doors are closed?—Yes, they have the

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right to go in at any time; and if the doors are closed and admission is refused, it is a very common practice for the parties to be brought before the magistrates and fined severely.

1068. For refusing to allow the police to enter?—Yes.

1069. At the meeting of the magistrates, when they drew up this report, were there any of the complaints considered which are generally made against beerhouses?—I am not aware that at that particular meeting any statements to that effect were made, but the subject has so frequently come before the magistrates, that we know that in beerhouses, as well as in licensed public-houses, many thefts and robberies and other crimes are arranged and preconceived. We know very well that those are facts, and they have had their weight in the minds of the magistrates.

1070. There is a general opinion in Liverpool that those places harbour bad characters, and that crimes are concocted in them?—Yes.

1071. Does that proceed in any way from the manner in which the parties procure their licences, or is it only an evidence that there are such characters in Liverpool?—I think the effect of the system encourages that sort of trade. I have already stated, that in point of fact the number of public-houses in Liverpool is very large; and there are failures in the trade almost every month, for want of business, no doubt. The holders of existing licences must find a business somewhere, and they get hold of those characters. It is well known that certain houses in Liverpool do live by that particular sort of trade.

1072. Do you mean to tell the Committee that you think those houses encourage crime which would not be committed if those houses did not exist?—I believe it would be a check upon the progress of crime if those houses were of a different character to what they are; in point of fact, if the trade were made respectable.

1073. You consider that the mode in which they procure their licences now prevents the trade being respectable?—I think the security for the trade being more respectable is in its freedom.

1074. The beerhouses are much more free than the licensed victuallers, are they not?—I think beerhouses are the worst of the two, because beerhouses are generally kept by a class of people who cannot afford to buy a licence, and who are not likely to get one granted to them by the magistrates. In order to procure a living, therefore, they give great encouragement to any and every character that will come into the house; indeed, I have known from experience several prisoners in gaol who, after they have been sentenced and convicted, have told me where all their plans were arranged, and I think those beerhouses are the places, generally speaking.

1075. Can you give us any information as to who are the owners of those beerhouses in Liverpool; are they always owned by the keepers of the beerhouses, or sometimes are not respectable people owners of the property?—I cannot give any information from my own knowledge, but I believe there are respectable people in the back ground who are the owners.

1076. They put in those tenants, and pay for their licences?—Yes.

1077. Do you know whether they pay the penalties also, when they are brought before the magistrates?—We have no proof that they pay them, but the people who keep those beerhouses are very frequently in wretched circumstances; they are sometimes fined 4 *l.* or 5 *l.*, and the fine is invariably paid.

1078. The custom at those houses would not be worse in consequence of their connexion being low?—It might be better.

1079. Therefore, if a person has property in those beerhouses, he is not much interested in the character of the person who keeps the house being respectable?—I believe there is very little said about character in the case of beerhouses.

1080. A rapid draught of beer, perhaps, is the great object?—That I believe is the main thing.

1081. Which is quite independent of the character of the persons who drink it?—Yes.

1082. Sir *G. Grey.*] Except that if a person by misconduct were liable to forfeit his licence, would not the owner of the house be a direct sufferer by it?—No doubt.

1083. Are you aware of the power which the law does give to the magistrates upon a third conviction for the disorderly conduct of the occupier of a beerhouse, to take away the licence, and prevent any licence being given to that house for two years?—I was not aware that that was the law.

1084. Therefore,

1084. Therefore, I need hardly ask you whether that law has ever been put in force in Liverpool?—Not within my recollection.

1085. Is it the case that the keepers of those beerhouses have been repeatedly convicted of offences?—They have been repeatedly convicted.

1086. Do not you think if that power does exist, as it unquestionably does, the magistrates might very much have checked this evil if they had put the law in force?—No doubt it would have been a punishment; but every licence that you take away, unless a fresh licence were granted in its place to some other individual, will be just so much given to the existing beerhouses.

1087. The power which the law gives is not only to take away the licence from the party who keeps the house, but to make it unlawful to grant a licence to the house for two years; would not that be a direct penalty upon the owner of the house?—No doubt it would.

1088. Do you mean that the magistrates of Liverpool have not been aware of the existence of that power?—I am not aware of any instance in which the law has been carried out to that extent.

1089. *Chairman.*] You were referring to other houses besides licensed victuallers' houses and beerhouses, which are called concert rooms?—Those concert rooms form part of the building which is licensed.

1090. Are you of opinion that those houses which are now not subject to the magistrates should be placed under regulation, and brought within their jurisdiction in any way?—They are not subject to the magistrates, but they form part of the building for which the licence is granted.

1091. They are not necessarily connected with it; a man who gets a licence for a public-house may keep another house, but he does not necessarily intend to keep a concert room?—He may have a concert room without the magistrate having anything to do with it.

1092. Are there plenty of those concert rooms which do not belong to licensed victuallers?—I think they do belong to licensed victuallers in every case.

1093. Are there always spirits sold there?—Yes.

1094. You consider that bad characters are harboured in beerhouses; is not there the same opportunity for those people to go into coffee-houses and concert rooms?—When they go into concert rooms they really go into licensed houses; there is a communication between the concert room and the licensed house.

1095. Do you think it is the mere circumstance of the sale of beer and spirits which tempts people to devise crimes and commit offences?—I think it affords shelter, and gives an opportunity to bad characters for making their arrangements, and carrying them out.

1096. Do you think if those places did not exist, the bad characters you speak of would not find other places which they would go to for the same purpose?—I do not know where they could go to; it is evidently the interest of the licensed victualler to encourage people to come to his house irrespective of character, in order that he may consume as much as possible, and make his house notorious for doing a large business.

1097. Do your observations apply peculiarly to beerhouses, or to licensed victuallers' houses also?—To both of them; it is a mere question of degree which is the worst.

1098. As far as I understand your suggestion, it is confined to the more strict regulation to which you would submit those houses, and giving the police more power?—I think the licences should be granted, as I have already stated, under police regulations, on payment of a certain sum per annum, a portion of that sum perhaps to go to the borough fund, and another portion to be in a stamped document which should be renewable annually; that document should be their licence; of course the stamp would come to the Government.

1099. Should the sum paid for the licence go to the borough fund?—A portion of it.

1100. Sir *J. Pakington.*] When you said that you would have the licences granted under police regulations, what did you mean by that?—I meant that the licences would be, as they are now, under the control of the magistrates and the police force.

1101. You mean that after granting the licence the house should be under the police as it is now?—Yes.

1102. But that the police should have no voice in the issue of the licence?—No.

1103. Mr. *Fitzroy.*] I understood you to use the expression that you would

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introduce more stringent police regulations?—I was not aware of the powers of the Act which have just been stated; but I think there is a defect so far as this, that the police during the week are not sufficiently in the public-houses. I think it would have a salutary effect upon the conduct of parties in conducting their business if they were.

1104. Do you think that if the powers already given to the police by law were enforced, a great deal of the evil which now attends those public-houses might be reduced?—The circumstances might be ameliorated, but that would not at all affect the principle which I have already laid down, and which I look to more particularly than anything, which is the inducement there is to make people drunk in order to get a better price for their licences when the parties holding them retire from business.

1105. Sir *G. Grey.*] You think that the inducement would be less if the trade were more free and open?—Yes, no doubt; a man of respectable character seeing a house do a great business would take the next door; another man might take the next door to him, so that there would be no inducement to pursue the conduct I have mentioned.

1106. *Chairman.*] Would not there be the same struggle on the part of the traders to get custom; if there were three instead of one, they would each be anxious to have as many customers as possible?—One would be a check upon the other; the man never would be sure whether he could realise anything for the good will of his house or not; he could not tell who would come next door.

1107. Sir *G. Grey.*] Suppose your recommendations were adopted, what do you suppose would be the increase in the number of public-houses in Liverpool?—I think there would be a decrease ultimately.

1108. An immediate increase, but a subsequent decrease?—Yes.

1109. Owing probably to the ruin of a great many persons who would invest their property in public-houses?—The mischief in that respect would be regulated, in a great degree, by the decision of Parliament. Supposing that the present owners of licences were granted a life interest, no doubt the progress of new houses would be extremely slow; that is, if the annual sum paid by fresh applicants were of any magnitude, which I think it ought to be.

1110. What makes you think that ultimately there would be a decrease in the number of public-houses?—I think respectable people would get into the trade, and I think such people would not have the inducement which there is now, to do a large business in order to sell their licences; I think the houses would be very differently conducted, and that the licensed victuallers' occupation would assume a much more respectable character than it has at present.

1111. If there were a decrease in the number of houses, the value of the property in each house would be increased, would not it?—Not if drunkenness decreased, which I think would be the effect; I think that extraordinary exertions are now made to induce people to become drunkards.

1112. You think that if the magistrates were deprived of the power of granting licences, and licences were granted to any persons to keep public-houses, subject to strict police regulations, a more respectable class of persons would invest their property in the trade?—I am satisfied that that would be the case.

1113. What would be the inducement to their doing so?—Respectable parties now who would be willing to enter into the business, find that they cannot get licences. There are cases of highly respectable parties who have been applying for six or seven years past for licences, and trying to get them for different situations in the borough, but many of them never succeed.

1114. You think that the discretion now exercised by the magistrates in Liverpool does not tend to the licences being granted to persons of respectable character, but rather has a contrary effect?—The magistrates form the best judgment they can, but the system is very defective, and affords no security of this kind.

1115. Mr. *Brown.*] Assuming that beerhouses and public-houses were put precisely upon the same footing as to police regulations, and that a bond were required from parties obtaining licences, with two securities for the proper conduct of their houses, do not you think people of bad character would find great difficulty in getting those bondsmen; those bondsmen also might have the power of withdrawing their securities every year if they found that the parties for whom they had become security were unworthy?—I think if the characters of the bondsmen were looked into it would be a very great security.

1116. With

1116. With respect to licences, does not it frequently happen, every licensing session at Liverpool, that applications are made to the magistrates to endeavour to obtain licences for particular houses; the magistrates, of course, use their discretion whether they think the house is a proper one to be licensed or not?—Certainly.

1117. Do not the magistrates feel it very difficult to know how to deal with those applications?—Yes.

1118. Supposing the individual does get a licence for his nominee, that nominee may probably sell the licence to-morrow for 200*l.* or 300*l.*; in that case there is no good will earned at all; it is the mere fact of his having the licence which enables him to dispose of it?—Yes.

1119. He pays that 200*l.* or 300*l.* for the enjoyment of the monopoly?—He does; that is practically the operation.

1120. *Chairman.*] That man goes through the process of getting the licence confirmed by the magistrates, does not he?—Yes, he does; he does not appear; he does not come before the magistrates to have it confirmed.

1121. It amounts, in fact, to another person getting the licence after some inquiry has been made as to his character and circumstances?—Yes.

1122. Mr. *Brown.*] Do not you think that if the security I speak of were taken, it would ensure a much better class of beerhouses?—I think it would.

1123. Generally speaking, such people as pugilists and convicted felons and notorious brothel keepers would not be able to get the security necessary to enable them to obtain licences?—No.

1124. Sir *G. Grey.*] Are you aware that a convicted felon cannot by law have such a licence, and that the magistrates knowing that a man is a convicted felon may withdraw the licence immediately?—If the magistrates know that he has been convicted he will not get the licence.

1125. Are you aware that he cannot get a licence for a beerhouse, or that if he does get it, the licence is void?—If the magistrates are aware of his character.

1126. I understood you to say that there were houses kept by convicted felons in Liverpool?—Those licences have been granted before the magistrates were aware of the circumstances.

1127. Supposing the magistrates are cognizant of the fact, are you aware that the licence may be withdrawn upon a representation to the Excise?—I believe I have known that to be the case.

1128. Therefore, if it is the practice for convicted felons in Liverpool to keep those beerhouses, is not that owing to some neglect on the part of the magistrates in not communicating the information to the Excise?—I believe the magistrates in most instances have refused to renew licences in such cases.

1129. I am speaking of the beerhouses to which licences are granted by the Excise. I understand you to state it to be within the knowledge of the magistrates of Liverpool that convicted felons frequently keep those beerhouses; are you aware that that is illegal, and that if the Excise received the information from the magistrates that certain persons keeping those beerhouses were convicted felons, they would not be at liberty to renew the annual licence?—I think the magistrates have left the matter with the Excise authorities, and have never interfered in the case of beerhouses, and granting licenses to them; it is not a frequent occurrence for a felon to keep a beer or licensed public-house.

1130. *Chairman.*] They would not consider it to be their business to inquire into the character or the previous circumstances of a person keeping a beerhouse?—No.

1131. Mr. *Brown.*] There is no obligation upon them, if they do know it, to report it to the Excise?—No.

1132. Mr. *Fitzroy.*] Have you considered at all the amount which should be paid for the licence under the system that you propose?—I cannot say that I have considered it thoroughly, but my own idea is, that the principle should be a percentage on the amount of the assessment for the relief of the poor; I think that is the guide I should adopt.

1133. *Chairman.*] With a view to ensuring the respectability of the person?—Yes.

1134. Mr. *Brown.*] Would not this difficulty arise, that the more respectable the house, the larger would be the security called for in the case of a licence?—Yes, but a greater business probably would be done.

1135. Mr. *Fitzroy.*] Do you propose that the character of the individual applying for the licence should be the only condition of its being granted?—Yes.

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1136. How is that character to be ascertained?—By a certificate from those who know him.

1137. As now in the case of applicants for beerhouse licences?—Yes; it should be a little more stringent.

1138. As far as I understand you, the proposition you make is, that the granting of a licence for the sale of beer and other liquors to all houses should be assimilated to the system now pursued in granting licences to beershops?—Yes.

1139. I understood you to say, that from your experience the beerhouses, of the two, were the worse conducted?—I think I stated that it was a matter of degree, but my own individual opinion is that beerhouses are the worst of the two.

1140. What is the object you propose to yourself, and how do you propose to attain a better system of regulating those houses, if you mean to assimilate the whole system to that now pursued in granting licences to those which are the worst conducted of the two?—I think the system may be made more stringent; but my great object is to see drunkenness lessened by removing the inducement to it which I have already stated, namely, that of a party holding a licence ultimately looking to obtain the highest possible price for his interest in that licence, he knowing, if there is no objection to his character or the character of his house, he can depend upon the licence being transferred by the magistrate to the individual to whom he sells it.

1141. You have acted as a magistrate of Liverpool, have not you?—I take my turn.

1142. I understood you to say, that you were not aware of the power vested in the magistrates of taking away the licence of a beerhouse where repeated convictions had taken place for disorderly conduct?—I was not.

1143. And you were not aware that any such practice had been pursued in Liverpool?—No.

1144. Then it is needless for me to ask you whether you are aware that the magistrates of Liverpool have acted upon that law, and have withdrawn a licence from two of those beerhouses within the last three weeks?—It is very possible; there are forty odd magistrates at Liverpool, and we have only a week in turn of duty twice or thrice a year.

1145. Then it may be the fact that this power has been exercised in many instances?—It may be; I am not aware of it.

1146. Sir *J. Pakington.*] Are you aware that, of the various securities by which the law seeks to insure the respectability of beerhouses, the system of certificates has been found to be most ineffectual?—I believe that those certificates have been very improperly got up.

1147. Therefore, could you feel any confidence that the same system would produce better results in the case of public-houses?—I do not say that the law should absolutely make it requisite; but my notion is, that the individual should be expected to produce a character from the minister of the religious denomination to which he belongs; and if he does not belong to any religion, it will tell so much the more against him.

1148. Mr. *Fitzroy.*] Did you attend the meeting of magistrates which drew up the memorial which has been referred to?—I was present.

1149. Are you aware whether the rest of the magistrates who attended the meeting were unaware, as you yourself were, of the power vested in a police constable to enter public-houses by the 11th and 12th of Victoria?—I am afraid I cannot answer that question.

1150. Would it have made any alteration in your opinion if you had been aware that such power existed?—No, it is a mere mitigation in degree; the principle of evil is still in existence.

1151. As regards the encouragement to drunkenness, among the more stringent regulations which you propose to adopt under this new system, what have you in view beyond giving to the police a greater power of visiting those public-houses?—It is the practice which I have more especially alluded to; I think the police, during the week, do not keep a sufficient eye over the proceedings which are going on in those public-houses.

1152. Are none of those publicans reported on the annual licensing day to the magistrates, for being disorderly and their houses badly conducted?—Yes; and very frequently for harbouring disreputable characters. Upon that point a difficulty

culty has arisen in the minds of some of the magistrates, as to what a disreputable character is.

1153. What has been the practice pursued by the magistrates on the occasions when those houses have been so reported; has the licence been withheld, or has it been renewed?—I remember a case where the licence was withheld on the ground of harbouring bad and disreputable characters, as they were termed, prostitutes; but there was a difference of opinion amongst the magistrates as to whether the licence should be withheld or not upon this ground. The difference arose in this way, as to whether a prostitute, however bad, was to be regarded as a disreputable character, or whether the objection should be confined to felons and others who had transgressed the laws.

1154. Was the licence finally withheld in that instance?—We went to a division. I forget what the numbers were; but it was decided that the licence should be withheld, and it was withheld.

1155. *Chairman.*] What are the inducements which those persons who you say are anxious to sell the good will of the house, offer to their customers to drink there; do they consist in the encouragement of those bad characters, or in selling their liquors very cheap?—Indiscriminately giving every possible encouragement to people to come to the house.

1156. What is the encouragement which they peculiarly offer to their customers?—Their great inducement at the present time is music and singing, and concert rooms, and things of that sort.

1157. Those are what you call extraordinary inducements which those people offer to drunkenness, in order to get a better price when they transfer their licences?—Yes.

1158. Is there any other means which you can specify that they resort to to tempt people to get drunk upon their premises?—The question is whether they do not receive a pressure from the brewers, who, finding that the consumption of beer is not what they think it ought to be, urge it upon their attention, and they are compelled to seek by some means or other an increase of their business.

1159. You think that that is the reason why those concerts appended to beer-houses and public-houses have increased so much?—Yes, I think so.

1160. Mr. *Fitzroy.*] In the event of the adoption of your new system, of granting a licence only upon proof of good character, with whom would you leave the control, or in whom would you vest the power of withdrawing the licence?—With the magistrates.

1161. In what respect do you think the magistrates would have greater control over the houses than they have now?—I do not know that they would have a greater control over the houses; but I think they would have a better class of people, and a better system altogether to deal with.

1162. Your object would be that the control should remain in the same hands as those in which it is now placed?—Yes.

1163. What reason have you for thinking that they will be able to exercise a control more effectually in that case than they do now?—I think they cannot exercise their control effectually now, because they have a bad system to deal with.

1164. Have not they now the power of withholding a licence, if any representation of the disorderly conduct of any house is made to them?—Yes.

1165. What further control than the power of withholding the licence do you wish to give to them?—I do not wish for any further control than that; but the present system encourages drunkenness to an extent that the magistrates have no control over whatever.

1166. Mr. *Brown.*] You have told the Committee that the certificates which are now given are of very little value; do not you think there would be a much better security, if the parties seeking to obtain those licences were required to bring good bondsmen, or to pay a higher price for the licence, which would go into the public purse?—I do.

1167. You would consider that a much better security than a mere recommendation or certificate?—Yes, the parties would be much more careful then of transgressing the laws.

1168. You think that people who had no character would not have the power of obtaining such bondsmen?—I think not.

1169. Mr. *Fitzroy.*] Was the memorial which has been referred to got up by the magistrates in consequence of representations from the population of Liverpool generally?—

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generally?—Shortly before the licensing sessions came on there were a great many applications for licences, and on that occasion those who made those applications and were refused considered themselves very ill-used. Great dissatisfaction was the result out of doors, and the magistrates felt themselves entirely at a loss; they had no fixed rule or principle to guide them; they felt that some change was necessary, and yet they could not say what that change should be.

1170. What proportion of the magistrates attended that meeting?—I think 14 or 15.

1171. Out of 40?—Yes.

1172. Were those the magistrates who were principally concerned in granting licences, and who most generally attend on licensing days?—I cannot say that exactly. There were many present then who had been in the habit of taking an interest in granting licences.

1173. Was there any division of opinion at the meeting as to the suggestions which were made?—There was, but I think only on one point; there was no division of opinion as to the extent of the evil, and the necessity for a change. I have no authority to state exactly what the opinions of the magistrates were, but I have reason to believe that to be the case. Generally speaking, the opinion is that the system is as bad as it can be. The only difference of opinion was as to what the nature of the change should be. On that occasion I think the point mooted, as the one on which the greatest uncertainty was felt, was this: that if the trade were thrown completely open, the better parts of the town, the localities where the merchants and leading people of Liverpool reside, might be exposed to what they consider would be extremely unpleasant, the house next door to any such person, for instance, being taken as a public-house.

1174. There was a division of opinion, then, as to throwing the trade completely open?—As to throwing the trade completely open, there was.

1175. Can you tell the Committee whether the magistrates who attended that meeting were nearly divided on the subject?—I went out before the actual division took place, and I think it was only carried by one; but that is no criterion. If the whole body of magistrates had been formally summoned to discuss the subject, I should have no fear of a very different result.

1176. In fact that resolution represents the feeling of some eight magistrates out of 40, who comprise the whole bench?—Those were the numbers or thereabouts, but I believe the eight represent the opinions of the greater number. I should think nearly 30.

1177. Mr. *Brown*.] Probably you recollect that when we met there was a general feeling of dissatisfaction on the part of the magistrates, as to the mode in which those houses were conducted, and of the necessity for a change?—Yes, that was the case.

1178. You probably recollect that it was then taken into consideration how this remedy could be brought about?—Yes.

1179. A sub-committee was appointed with a view of examining into the matter, and reporting to the general board of magistrates?—Yes.

1180. That sub-committee did meet and did make a report, and that report was approved of by all the magistrates who were present, all the magistrates being summoned to that meeting?—The report was approved of.

1181. Did not the only great difference of opinion arise upon the question whether an individual who might wish to plant a beerhouse upon a hill side or in a position where there was not sufficient population to require it, or by the side of some gentleman's house, with a view of annoying him or compelling him to purchase the property, should be allowed to do so?—I think that was the principal point. Mr. Turner, a gentleman living in Rodney-street, being a man of the highest respectability, and residing in a very nice house, stated that he should feel it a great injury if the next house to his own were converted into a public-house. I proposed that rather than have no change, I for one should be satisfied if there were power given to make a reference to the Home Office in a case of that kind, just as there is in the Municipal Act, where leasehold property is required to be made freehold; the corporation have no power to make it freehold except with the consent of the Home Office.

1182. Mr. *Fitzroy*.] Do you contemplate leaving the question of character to be decided by the magistrates on licensing days, or do you contemplate their being satisfied with the certificates which may be sent in?—It is left now in the hands of

of the magistrates. I do not think that a certificate alone would be deemed sufficient.

1183. You would leave it to the magistrates to decide on the conflicting testimony as to a man's good or bad character, a question respecting which might be brought before them on the licensing day?—I think, if proper pains are taken, there can be no conflicting testimony. We could readily ascertain the character of every individual in the town of Liverpool.

1184. *Chairman.*] I understand you to say that your remedy is, that in the first place the trade should be thrown open; but that before licences are granted, certificates of character should be required, some pecuniary responsibility attaching to the persons giving those certificates?—Yes; and moreover, that they should pay an annual sum for the privilege of having the licence.

1185. The persons giving certificates now have no responsibility; but you think there ought to be a responsibility, and a pecuniary one, upon the persons who give a certificate to any one applying for a licence?—Yes.

1186. And you would give power to the magistrates to withhold the licence in future from a person who has offended against the law?—Yes.

1187. Mr. *Fitzroy.*] You contemplate giving the magistrates the power of granting the licence, upon testimonials to character?—All that I wish the magistrates to regard is, the character of the man applying for the licence.

1188. Sir *G. Grey.*] Did not you say that you wished to put all these houses upon the same footing as the beerhouses are placed on now?—Yes.

1189. Are not you aware that the magistrates have nothing to do with the first grant of the licence to a beerhouse?—The granting of the licence, I think, in all instances might be by the Excise, leaving the character of the individual to be decided by the magistrates.

1190. In what way are the magistrates to interfere, as to the first granting of the licence?—I think that every person applying for a licence should be advertised; that a list should appear periodically of the names of the parties applying for licences. It would be the fault of the public, to some extent then, if a man of bad character happened to get a licence, but I am quite satisfied that that would not be the case; and, further, I think the magistrates having seen the certificates of character, should make a personal inquiry themselves as to the fitness of the individual to have a licence granted him.

1191. Would you give the magistrates a veto upon every application for a licence?—I would upon the point of character.

1192. You would make it a condition of the grant of the licence, that the magistrates should certify that the man's character was unexceptionable?—Yes, I would.

1193. Sir *J. Pakington.*] Will you give some further explanation of what you mean by the annual payment which you propose; there is an annual payment, as you are aware, for a licence now; to what extent would you increase that annual payment?—I think there should be no licence granted at a smaller charge than 8 *l.* or 10 *l.* a year.

1194. That is to say, virtually you would increase the licence price?—Yes. I would take the liberty of stating this to the Committee: I believe some people entertain the idea that you have no right to select the licensed victualler's business for the imposition of a tax, because it is a trade, and trade should be free. Now I do not think that the licensed victuallers can fairly be placed in that category. We are now obliged to maintain a police force of something like 900 strong, and we are at this moment paying from the borough funds, the property of the corporation, something like 100,000 *l.* for the erection of a new gaol, and I contend that we should not have to incur so large an expense on account of the police force, nor should we at this moment have been put to the necessity of erecting a new gaol, if it were not for the existence of the licensed public-houses and the beerhouses; I believe they are the source of all the mischief, and instead of a police force 900 strong, something like one-half the number would be ample for every possible emergency that could occur.

1195. Sir *G. Goodman.*] You stated that you would prefer an *ad valorem* duty?—To be regulated by the amount of the assessment to the relief of the poor; I think that is the fairest principle. I should look to the practical operation of it. I think the amount to be paid is a mere matter of arrangement.

1196. Mr. *Brown.*] You are aware that, in such places as London or Liverpool, or Manchester, it is almost impossible for the magistrates to arrive at any personal

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sonal knowledge of the respectability of an individual who seeks for a licence; do not you think it would be a much better security that two respectable bondsmen should be required; those bondsmen would make it their business to look into the character of the individual, and would not become responsible for him unless he were a man of good character?—I am of opinion that the character of the individuals, by proper investigation, may be ascertained; but at the same time the course mentioned by you would, no doubt, facilitate the matter immensely.

1197. *Chairman.*] Do you know whether the bad conduct which takes place in those houses, and the mischief they do, is owing to the bad character of the keeper of the house, or the sort of persons who go into it for the purpose of drinking?—Irrespective of the character of the party who keeps the house, or of those who frequent it, the object is the same in all instances, which is, to do a large business.

1198. There is an opportunity for any characters to go into such a place, and there meet?—No doubt there is.

1199. A man may keep a beerhouse who is quite respectable, and yet the persons assembling there may have the worst object for assembling, and they may be very bad persons?—That may be the case.

1200. Do you think there is any discrimination observed by the keeper of a beerhouse as to the character of his customers?—I do not think there is.

1201. Do you think he would reject a man because he thought he was a doubtful character, when he came as a customer?—I do not think so.

1202. All that the certificate of character would do in improving the conduct of those houses would be, that it would prevent their being ill conducted so far as that depends upon the character or the conduct of the persons who hold them?—Precisely.

1203. And that is not always the cause of the evil?—It is not.

1204. Mr. *Brown.*] Would you allow a discretion to the magistrates to reject a man on account of bad character, though legal proof could not be obtained of it?—The matter would be quite safe in the hands of the magistrates, because they would not reject a person of that kind without having the best evidence that the man's character was not what it ought to be.

1205. *Chairman.*] A suggestion has been made to the Committee, that where a publican or a beerhouse keeper is convicted of allowing an offence to be committed in his house, such as a beerhouse-keeper allowing spirits to be consumed, or a licensed victualler allowing his house to be open when it ought to be shut, the customer found in such beerhouse or such licensed victualler's house should be subject to a fine; do you think that that would operate as any check to such offences?—I think it very probably might, but I have not considered the point. I think the law operates rather hardly at present; if there is wrong at all it is shared in by all, by those who give and those who receive.

1206. At present if a licensed victualler's house is open on Sunday, or after 12 o'clock on Saturday night, and a number of persons found there, it is the publican only who is held liable, not the persons who are found there?—They are not liable to be punished at all.

1207. Have the magistrates come to any conclusion as to the mode of regulating other places; do they, for instance, suggest that saloons and concert rooms, if they are kept separate from the premises which are licensed, should be subject to a licence themselves?—I do not think they suggest that.

1208. Have you any experience of the conduct of the keepers of coffee-shops from the reports of the police?—Very rarely, I think; there is scarcely any instance of coffee-shops being implicated in anything that is wrong. When I have been on the bench I have never known any case of the kind.

1209. The police have not authority under your local Act to enter those coffee-shops?—They have not.

1210. They may be kept open all night at Liverpool, I presume?—They may be, I believe; but I am not aware that there has ever been any complaint made against them.

1211. Would not it be considered a hardship in such a place as Liverpool if those houses were closed at a particular hour at night?—I do not think it would.

1212. Are there no circumstances connected with its being a seaport which make it necessary that those houses should be kept open at all times?—I think not. As respects the arrivals by sea, the sailors, and those who are connected with the

the shipping, live in lodging-houses, which are not licensed except as lodging-houses. *R. Gladstone*, Esq.

1213. Do you think it would conduce to good order that all those houses should be closed at a certain hour?—I think so, decidedly; I think their being kept open is a very great premium to misconduct. 13 May 1853.

1214. Five days in the week a licensed victualler may keep open his house all night, may not he?—He may.

1215. Mr. *Gregson.*] Are not you aware that the excessive drinking generally takes place on Saturday night, after the payment of the wages?—I do not think that Saturday is the day on which the wages are paid in Liverpool; it is frequently on the Friday; we are all convinced that Saturday is not a desirable day for paying them, and Friday is selected instead by many persons.

1216. Would you desire the houses to be closed earlier on Saturday night?—No, I know of no reason why that should be so. Monday morning is always the heaviest day for the magistrates for cases of drunkenness; but then there are two nights' cases instead of one for adjudication.

1217. Should you suggest that any difference should be made in the charge for licences between houses where the liquor is drunk on the premises and those where it is not drunk on the premises?—No; as respects that particular point, I am rather inclined to think that the same system should exist throughout. I do not mean that I am prepared to state that it is actually the best, but as far as I can form a judgment, I would have but one system throughout, both as respects the party who sells beer, and the party who sells spirits.

1218. The parties who consume beer, and the parties who drink spirits, are a very different class of people, are they not?—Yes, no doubt they are; but they should be able to get both on the same premises.

1219. *Chairman.*] Are there a great many brewers in Liverpool, or is the trade in a few hands?—It is in comparatively a few hands; a few brewers hold much the larger number of licences.

1220. Sir *J. Pakington.*] Is there any complaint of the quality of the beer in Liverpool?—I think that the Liverpool beer is inferior; really good beer you cannot get, generally speaking. I do not mean to attack the character of the brewers, but according to my notions, though we have very good water and all the necessary materials, I do not think that the beer is what it ought to be.

1221. *Chairman.*] Where a brewer owns a house it is only his beer that is sold?—That is the case, no doubt; they have it in their own hands. If among themselves they can agree to consume only a certain quantity of malt and hops, it is very easy so to arrange it that there is really no good beer to be had.

1222. Mr. *Brown.*] With respect to the proprietors of those dancing saloons and temperance hotels, would not it be necessary to take bonds from them, and securities where they sell spirituous liquors?—I have no objection to their being licensed; but then there is this to be said, that if you were to license a music-room for the poorer classes of society, the rule ought equally to extend to the richer. I think that a bond might be taken; but I further think that a licence in addition should be granted for that particular object, because it is an increased responsibility.

Thomas Whitmore Wilde Brown, Esq., called in; and Examined.

1223. *Chairman.*] YOU are a Magistrate of the county of Salop?—I am, and of the borough of Bridgnorth. *T. W. W. Brown*, Esq.

1224. You act as a magistrate in both capacities, both for the borough and for the county?—I do.

1225. I believe you have had some experience in granting licences to persons applying to the magistrates for them, as well as in hearing reports of the conduct of public-houses, beerhouses, and the licensed victuallers' houses?—I have done so for a good many years.

1226. I believe you are anxious to state your opinion respecting the working of the system, chiefly as regards beerhouses?—I am.

1227. Will you state to the Committee what you have observed to be the effect of the present system of obtaining licences?—I feel that the present mode of obtaining licences for beerhouses is highly objectionable, and encourages a vast amount of drunkenness, inasmuch as most of the complaints which are brought before us originate from the beershops, they being kept by the lowest class of

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people; people who would not perhaps take out a general licence; who could not, in fact, obtain a general licence.

1228. As an acting magistrate, you find that the offenders brought before you are chiefly persons whose characters have been ruined in beerhouses?—That is the case; they are the lowest description of people who are brought before us under those circumstances, and generally their drunkenness originates in beerhouses.

1229. Is the opinion which you have expressed the result of any inquiry into the matter which you have yourself made?—I have long thought upon the subject, and have felt the evil which has been done to the country by the establishment of beershops; and I have very frequently communicated with the county and the borough magistrates, who all concur in the same view.

1230. You say you have a good many offenders brought before you; my question was whether you had taken any trouble to inquire into their previous history, or to establish a connexion between their crime or disorderly conduct and the existence of those beerhouses?—With reference to that subject, I think crime has increased very much since the establishment of beershops.

1231. You have been a magistrate since the year 1830?—I have been a county magistrate for the last 30 years.

1232. You speak from a comparison of the state of crime before the year 1830, when the Beer Act passed, and since?—I do.

1233. You think that crime, as far as you have any experience, has increased since that time?—Certainly.

1234. Do you say that drunkenness has increased since that time?—It has increased fearfully.

1235. What inquiries have you made which lead you to think that it is owing to the establishment of beerhouses?—Most of the cases which are brought before the magistrates originate in beershops; the public-house keepers being generally men of a superior character to those who obtain a licence from the Excise.

1236. Will you tell the Committee what you mean precisely by offences originating in beerhouses?—Drunkenness especially; there is more drunkenness caused by the beerhouses than by the licensed houses.

1237. Is drunkenness an offence which is brought before you as a magistrate?—That is the only offence which I speak of as originating in the public-houses and beershops; a greater number of cases of drunkenness arise from the beershops than from the public-houses; the beershops also generally being attended by the lowest grade of people.

1238. You are now speaking of drunkenness, which is an offence against the law, and is brought before the magistrates?—Yes.

1239. On inquiring where the men have got drunk, you say you find it is in the beerhouse, and not so much in the licensed victualler's house?—A great deal more in the beershop than in the public-house; and we also find that most of the crimes which have been committed, or a vast number of them at least, were planned in the low beershops, rather than in the respectable public-houses.

1240. Is there any particular class of offences which are concocted in beerhouses which come before you?—I have not thought much upon the subject, certainly not with reference to being here to-day, but I should instance petty depredations, poultry stealing, and poaching.

1241. Sir *J. Pakington.*] And sheep stealing?—And sheep stealing.

1242. *Chairman.*] How do you get evidence of that; is it the beerhouse keeper himself who gives information against the person who has been at his house, or what kind of evidence makes you think that the offence was concocted in the beerhouse?—In the course of taking evidence, we have traced the parties to the beerhouse, and we have found that two or more were together at the beerhouse at a certain time, and went away, and the robbery was then committed; some of those parties have said that it originated in the beerhouses.

1243. Those are parties, probably, who are known to each other, and who go to the beerhouses before they commit offences?—Yes; and they are people who, we believe, would not be harboured in respectable public-houses.

1244. Have you any evidence to show that people are demoralised by going into the beerhouse, who were moral before?—Coming here so suddenly, I am not immediately prepared to answer that question to-day, as I should have been if I had had more time.

1245. The Committee understood you to say, that the beerhouse was the cause

of

of crime; we therefore wish to hear how it is that the beerhouse corrupts the people?—I think it is the cause of increased crime. Crime has increased in proportion as beershops have sprung up, the magistrates having no control over granting of licences to retailers of beer.

1246. Have you any return of offences committed before the Beerhouse Act and since?—No.

1247. Have you ever seen any return of that kind?—I think, some time ago, we made out such a return among ourselves for our own satisfaction; but it has been a general subject of complaint at the petty sessions, at the quarter sessions, and also at the court of assize.

1248. Do the magistrates possess any accurate return, so that they could come to any positive conclusion on the subject?—I cannot speak positively upon that point.

1249. At present, your opinion rests upon what you have heard stated or surmised by your brother magistrates?—And my own experience.

1250. Without any official document?—I am not prepared with any official document; I had no idea of appearing here to-day, nor even that such a Committee as the present had been appointed.

1251. Sir *J. Pakington.*] At what distance from Bridgnorth do you reside?—About four miles.

1252. I presume that Bridgnorth is a petty sessions place?—It is.

1253. Are you in the constant habit of attending there?—Constantly.

1254. How often are the petty sessions held?—Once every fortnight.

1255. Looking back to the last few years, do you find that complaints against the conduct of beerhouses have very commonly come before you at the petty sessions?—Very commonly; it is the principal offence, I think.

1256. When you say it is the principal offence, I presume you mean that misconduct of some kind, either in or connected with beerhouses, is the most common cause of complaint before you?—It is so.

1257. *Chairman.*] Do you refer in that answer to offences committed by the keepers of beerhouses, or to offences arranged and concocted by persons frequenting the beerhouses?—That is what I speak of; offences concocted by persons who frequent beerhouses. There has been a greater amount of crime and drunkenness since the establishment of beerhouses.

1258. Are the Committee to understand that you have in your mind (in giving that answer) cases in which, when persons have been brought before you, and have been committed for trial, charged with felonies or other offences, that it has been shown that those crimes were arranged in beerhouses?—In very many cases that has been so.

1259. Have you in your mind such cases?—I have in my mind cases where the offence has been traced to a beerhouse.

1260. Have you a rural police in the county of Salop?—We have.

1261. What is the strength of the rural police; is it numerous?—Not so numerous as it ought to be.

1262. How long has your rural police been established?—A good many years.

1263. Are the magistrates of the county contented with the manner in which the police discharge their duty?—I believe, generally, they are.

1264. Have the police of the district frequently made complaints to the petty sessions of the mode in which those beerhouses are conducted?—They have frequently made complaints.

1265. Are those complaints directed chiefly against beerhouses in the town of Bridgnorth, or beerhouses in the surrounding rural districts?—Equally against both, I think.

1266. Sir *J. Pakington.*] Has the number of beerhouses been sensibly diminished since the Act which was passed in the second and third of Victoria, requiring a certain amount of rating as a qualification for keeping a beerhouse?—No, I do not see any alteration at all.

1267. There is no sensible diminution?—Not the least.

1268. Under that Act those who had beerhouses, whatever the rating might be, were allowed to hold their licences till they expired?—Yes.

1269. At present is the Act in force with regard to the amount of rating required?—I think the only qualification is the rating.

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1270. The Act with regard to the amount of rating is in force?—I believe it is.

1271. Have you reason to think that since that Act passed, the object of it has been attained, namely, that by requiring a certain amount of rating a more respectable character should be given to those houses?—I do not see any alteration in the character of the parties keeping the houses for many years last past; in fact, since the establishment of the Act.

1272. Do you find the rating qualification evaded?—In very many cases.

1273. How is that done?—By some way or other professing to take property so as to raise the amount of property to the amount required, and taking a little property in another place. We have had one or two cases where we have been obliged to correct a mistake, and the man has forfeited his licence.

1274. The licence has been forfeited in those cases?—Yes.

1275. Therefore, in fact, a remedy has been obtained?—A remedy has been obtained wherever it is known that the evil has existed.

1276. *Chairman.*] Have you reason to think, speaking as a borough magistrate, that the beerhouses in the town of Bridgnorth are much worse conducted than the licensed public-houses?—That is the general feeling of the magistrates of the borough of Bridgnorth, myself among the number.

1277. Are you aware of any complaints in Bridgnorth against the magistrates with regard to the mode in which they have exercised their power of licensing such houses?—I have heard no complaint. We are diminishing the number as fast as we possibly can.

1278. Have you ever considered, from your experience as a magistrate, whether there is any remedy for the present evils of the beer law system which you would suggest?—I have long wished that the magistrates should have the power of granting or withholding the licence of a beerhouse-keeper; that it should not be in the hands of the Excise.

1279. You would give greater power to the magistrate?—I would.

1280. Sir *J. Pakington.*] You would give him a veto upon the first issue of a licence to a beerhouse-keeper, as he has in the case of a licensed victualler?—I would.

1281. Is there any other remedy which you would suggest?—That I think would meet pretty nearly all the objects, for I do not conceive that a magistrate would sanction a licence to an improper person.

1282. Do you think that it would have a good effect if the amount of rating required for keeping a house were to be further raised?—It would secure, I think, a more respectable class of men as retailers of beer, and so far do good.

1283. In country districts you think it would do good?—In country districts particularly.

1284. Are you of opinion that the present system of requiring a certificate of character from a certain number of ratepayers has any good effect?—No, none whatever; people in the country will give to a neighbour what is required, without being very particular what they sign.

1285. Sir *G. Grey.*] Your remedy would be to repeal the Act under which licences are granted to beerhouses, and place beerhouses exactly on the same footing as licensed public-houses?—I should very much wish to see that done; I think the good of the country would be advanced by it very much.

1286. I understood you to say that drunkenness was carried on to a very great extent in those beerhouses, to a greater extent than in public-houses?—Yes.

1287. You are aware that for a keeper of a beerhouse to suffer drunkenness in his house, is an offence for which he may be prosecuted and convicted?—The party who is drunk brings himself within the law.

1288. Are you aware of this provision, "that every seller of beer by retail having a licence under the provisions of this Act," which is the Act under which beerhouses are sanctioned, "who shall permit any person to be guilty of drunkenness or disorderly conduct in the house or premises mentioned in such licence," shall forfeit a certain penalty?—There are a good many ways of evading that; I was aware of the provision.

1289. Have informations been frequently laid against the keepers of beerhouses within your jurisdiction for offences of that sort?—The complaint has been generally against the parties for being drunk at those houses.

1290. Have informations been laid against the keepers of those beerhouses for that violation of the law which we understand from you is constantly going

on in those beerhouses?—Not for the drunkenness, so much as for keeping their houses open after the prescribed hours.

1291. How do you account for that? If there is a country police, and they act under proper instructions, why is it that informations are not laid against the keepers of those houses, for what you state to be a repeated violation of the law, by suffering drunkenness to go on to a great extent in those houses?—I do not know; if there is that provision for proceeding against a retailer of beer, I do not know why it is not acted on, except that it has not been generally known.

1292. Has it occurred repeatedly that the licence has been suspended by the magistrates in the case of beerhouses?—I do not recollect the punishment going beyond a second fine, when I think there is an increased penalty, and the people are generally so poor that they either give it up or compound and make an arrangement with the landlord, and perhaps the house falls into the hands of other parties, who begin the same course over again.

1293. Are you aware of the provision of the law, which is to the following effect: "It shall be lawful for the justices before whom any such conviction for such third offence shall take place to adjudge, if they shall so think fit, that such offender shall be disqualified from selling beer by retail for the space of two years next ensuing such conviction; and also (if they shall so think fit,) to adjudge that no beer shall be sold by retail by any person in the house or premises mentioned in the licence of such offender"?—Yes, I am aware of that, but it seldom comes to a third conviction.

1294. You mean that the second conviction generally shuts up the house?—Very generally.

1295. What additional power could the magistrates have; if two convictions for merely suffering drunkenness within the house generally shut it up, is not that a sufficient check upon the practices which you say exist in those beerhouses?—I think if the qualification were raised, and the magistrates had the power of granting a licence instead of the Excise, they would not grant licences to many parties who now obtain a licence from the Excise, the Excise not inquiring into the character or circumstances of the parties.

1296. When a licence is once granted, if the constant practice of the keepers of those houses is to violate the law, as we understand from you, are there any other powers which you think could be granted to the magistrates which would enable them to check infractions of the law by the keepers of beerhouses, as they do in the case of other parties?—The only means which I conceive would meet the evil would be to secure men of higher character and better education, and a greater and better sense of moral responsibility, of which I am afraid those men have very little indeed.

1297. It does not occur to you that any increased power can be given to the magistrates; in fact, you say that the powers which they already have by law are greater than they are called on to exercise?—I do not know that I stated exactly that; but I merely say that the cases do not come to a third conviction, for they are what is called "done up" after the second.

1298. Therefore, the provision of the law, which enables a magistrate to suspend the licence of a house for two years after a third conviction, is inoperative, because, in point of fact, a second conviction generally has the effect of shutting up the house?—It has.

1299. Have you known many cases of second convictions of keepers of those beerhouses?—I have known a great many changes, but not thinking of the subject till the moment I entered the room, I am not prepared with the cases which I could have furnished if I had known that I should have appeared before the Committee on the subject.

1300. Have the police instructions to go into those houses and see what is going on there?—Yes; we have given them full instructions, and since the beerhouses have been frequently visited, I think the evil to a certain extent has been abated, but that takes away the police from their other duties.

1301. In your opinion the police force for the country is not so numerous as it ought to be?—If it were carried out to the full extent it would be two expensive, therefore we have not the efficient force which I could wish.

1302. Are you aware whether those houses are generally the property of brewers, or are they the property of the person who keeps the house?—They are all private property; we have no brewers in the neighbourhood.

1303. Are the houses the property of the person obtaining the licence, and is the

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the beer brewed in those houses?—The beer is brewed in those houses; what is called beer.

1304. Mr. *Brown.*] Would not it secure a higher class of men to keep those houses if, instead of depending upon the recommendation of neighbours, which is so easily obtained, you required bonds and securities from them for the better conducting of their houses; would not those bondsmen be much more likely to look into the character of the men for whom they give bonds than a magistrate can have an opportunity of doing?—It might answer some good purpose, but it often entails a good deal of difficulty and delay, and perhaps causes a great deal of pain to those people, who think they are serving a friend, when they are called on to forfeit their bonds.

1305. Would not it be more reasonable that those bondsmen should be sufferers than that the public generally should be sufferers by the demoralisation which takes place in beerhouses or licensed victuallers' houses improperly conducted?—If they take upon themselves the responsibility, they are bound to bear it.

1306. Mr. *Gregson.*] You do not seem to attach much value to certificates of character from neighbours; what substitute do you propose for them?—I think what was just now mentioned, namely, a bond, would be a better test of fitness to keep a house than the mere signature of a few parishioners of the same level with the retailer of beer himself; anything, I think, would be better than that. Those certificates are of no value.

1307. Do you suggest any increase of charge for a licence?—If it were granted in the way in which the magistrates grant licences to public-houses, there would, in fact, be a lower charge, 7 *s.* 6 *d.*, I think, being the terms of a general licence, and two guineas being the charge to a retailer of beer. I honestly confess I do not care how high the licence is put, because I think they are not men capable of holding licences.

1308. Mr. *Brown.*] You are probably aware that on a former occasion bonds were taken for the good conduct of those houses, but the magistrates did not enforce them; if it were made imperative upon the magistrates to enforce them, and the remission of the penalty rested with the Excise, would not that make men much more careful as to the parties for whom they gave bonds, so that doubtful characters would be less likely to get bondsmen?—I should be glad to see such a change as that.

1309. Would you object to give a licence to any man who had not been convicted in a court of justice, or against whom proof could not be brought before a magistrate to show that he was a disreputable character?—I should not object to grant a licence under those circumstances, provided there was a necessity for refreshment being supplied to parties; the number of licences to be granted should be in proportion to the wants to be supplied.

1310 Would not the interests of the trade regulate the number of public-houses required better than any opinion of the magistrates?—I do not know that that is quite my experience exactly. We are dealing with a set of people unfortunately who do not know how to take care of themselves; they go to those places to have their spirits invigorated, and get excited, and there ruin themselves and their families, and hence the commission of a vast proportion of the crimes that are committed; I think in the present state of the lower classes, the magistrates should think and act more for them than they for themselves.

1311. Sir *G. Grey.*] Do you know the number of public-houses and beerhouses in Bridgnorth?—The number of licences, I think, that we signed in Bridgnorth was about 60, or a little over 60, independently of beershops. Some time ago we made a calculation that there was a place of that sort (I include beerhouses and public-houses) for every 23 persons in the borough.

1312. What is the population of Bridgnorth?—About 6,000.

1313. Mr. *Brown.*] Assuming that you grant a licence to every man who has not been convicted of crime, and that you have a very stringent Act to enable magistrates to take away a licence very promptly, would not that, with the bond which is proposed, be as great a security to the public as anything you could have?—It might do good; but I find that people are so very daring, and so encouraged by the hope of avoiding detection, that they will run any risk, and therefore I have always thought how much better it would be to prevent the evil at once by limiting the number of houses of this sort to the wants of the people, as far as the magistrate can ascertain those wants.

1314. So far as places in the country of small population go, it is probable that no influence may be brought to bear upon the magistrate to induce him to grant licences without the necessity for doing so; but it has been stated that, in some places, influences are brought to bear upon magistrates, and that licences are granted to A., B., and C., where more deserving individuals may have applied for them in vain?—Publicans in large towns, and in the country, are upon a very different footing. They are more independent in the country than they are in towns, and I think the magistrate can exercise a more immediate superintendence over them.

1315. Sir *G. Grey.*] You said that there were 60 public-houses, exclusive of beerhouses, in Bridgnorth?—I think the last calculation we made was, that there were about 60 licences granted.

1316. That is, about one public-house to every 100 inhabitants?—Yes; with the beerhouses we thought it was about one to every 23 inhabitants.

1317. Has the number of licensed public-houses been stationary for some time past, or has any increase taken place lately?—No. We have been very strict indeed in not allowing any increase whatever; we find that there are more than sufficient for the wants of the people.

1318. Have there been many applications for licences which have been refused?—Constantly; till it has become generally known that the magistrates will not grant a new licence without a strong case of necessity being made out.

1319. Have those applications been from keepers of beerhouses?—They generally want to rise from a keeper of a beerhouse to be the keeper of a public-house.

1320. *Chairman.*] What is the practice, in your neighbourhood, as to applications for granting licences; have you an annual meeting for the purpose?—We have an annual meeting at petty sessions for the renewal of licences.

1321. Do you receive evidence as to the manner in which those houses have been conducted?—I insist upon the police invariably reporting the character of every public-house during the past year.

1322. And every year have you fresh applications?—Licences are renewed every year.

1323. Have you every year fresh applications from persons for licences?—We had till lately, when it has become generally known that the magistrates are very reluctant to increase the number of licensed houses.

1324. Sir *G. Grey.*] Have many applications for renewed licences been refused on the ground of misconduct?—No; public-houses are much better conducted than beershops, and, perhaps, if a man has been convicted, a great many years elapse before another cause of complaint is detected in that same house.

1325. Sir *G. Goodman.*] You stated that the number of public-houses and beerhouses allowed one for every 23 persons; that in 6,000 people would be about 260, would not it; have you 200 beerhouses?—We have a very great many. I know that that calculation was made some little time ago. I know from my own knowledge that they are very numerous. Perhaps there may be two or three adjoining houses occupied by a retailer of beer.

1326. *Chairman.*] Are there persons who own those houses who are not occupiers of them?—A great many.

1327. Persons who are not the actual occupiers of the public-houses themselves, but who own those houses?—Yes.

1328. Do you know in what situation those people are?—Very often, as soon as a man has amassed a little money, he buys a house, with a view to getting a licence for it: I think there are many persons keep beerhouses who are masons, carpenters, and joiners.

1329. I am speaking particularly of licensed victualiers' houses. Do you know whether there are many persons who get a licence from the magistrates who are not owners of the premises where they conduct their trade?—I think they are all tenants; I do not think any of them are other than tenants.

1330. Do you know whether that is the fact or not?—I believe the fact to be that they are almost all tenants. I do not think any man occupies his own house as a publican.

1331. Are the Committee to understand that the person who owns the house gets the licence and puts in a tenant?—He does not get a licence; I do not know what may be the private arrangement between themselves.

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1332. Can you tell us in what situation the person is who owns the house for which the publican gets a licence, and of which he becomes the occupier?—They are of various classes. Mr. Whitmore owns a great part of the town of Bridgnorth, and a great many of them are his houses.

1333. Those persons who get the licences, and who are publicans, are the tenants Mr. Whitmore?—The tenants of Mr. Whitmore, or Lord Sudeley, or Sir John Acton.

1334. You think that nearly half the borough is owned by Mr. Whitmore?—A very considerable part of the borough, and I should think nearly one-half, Lord Sudeley's and Sir John Acton's property being comparatively small, the rest being in the hands of other individuals.

1335. A person who managed his property well would not allow any tenant to occupy premises as a public-house of whose opinions and character he did not know something?—I am afraid that the great object is very often to get the greatest amount of rent, though it may not be so in this particular instance.

1336. In that part of the borough which belongs to Mr. Whitmore, he can of course decide who shall occupy a beerhouse; that is to say, he can refuse to any person the liberty of carrying on his trade in any house of his?—I should think if Mr. Whitmore, or any gentleman, let a house, he might make the arrangement that it should not be converted into a beerhouse; and a very good arrangement it would be.

1337. Any tenant in that part of the borough belonging to Mr. Whitmore, must be, in some measure, under the control of the owner of it, as regards the manner in which he conducts his business?—I do not know that they take much notice of their tenants.

1338. Is the property leasehold?—No; the houses are generally let from year to year; they are too poor a class of people to take the houses otherwise.

1339. So that the owner could remove any tenant who misconducted himself in the following year?—He could.

1340. You have described the public-houses in Bridgnorth as generally well conducted; perhaps you can account for that in this way, that a person occupying so large a portion of the borough can control persons carrying on that business?—I think the reason is, that they are a better class of men; men of a higher grade than those who keep beerhouses.

1341. Do you know what the proportion of convictions is to the number of beerhouses?—No, I cannot state at this moment.

1342. Do you know what offence it is for which licensed victuallers are most frequently convicted?—Generally for drunkenness, and for harbouring persons at improper hours.

1343. Have you any persons attending on your licensing day to oppose applications made by beerhouse-keepers or others to obtain licences?—No, we have never known any opposition to a licensed public-house.

1344. Is there any influence exerted to get a man a licence, or to get one refused?—None whatever. The friends of the man come forward to give him a character, and we inquire strictly into the necessity for a public-house in that locality. It must be a great thoroughfare, where cattle are driven to and fro, or some traffic upon the road, which would induce us to grant a licence.

1345. I presume the occupiers of those houses which get a licence pay a higher rent for them?—I presume they do; it would increase the value of the house.

1346. Mr. *Brown.*] Is the good-will of a house often sold; does the outgoing tenant get a premium from the in-coming tenant for the good-will?—That I cannot say, not having any such species of property.

1347. Mr. *Gregson.*] You do not concur in the suggestion which has been made, that every applicant of good character should be permitted to have a licence?—No; otherwise we should have a good many houses, I am afraid.

1348. Mr. *Brown.*] Assuming that you gave a licence to every man of good character, but required from him the bonds which have been spoken of, do not you think that the wants of the trade would very soon practically introduce a limit, and that a good many people would go out of the business, not being able to make a decent living by it?—It is incredible how long they will hold to their business; they say they have got their stock and different things, and in the meantime the evil is going on. With beershops, the system of wakes, again, for which we have no remedy, promotes immorality and extravagance to the greatest degree.

1349. *Chairman.*]

1349. *Chairman.*] That is no novelty in the neighbourhood?—No; those wakes are generally held by the low public-houses to increase their profits.

1350. More especially by beerhouse keepers, are they?—More generally, I think. Sometimes they are held at public-houses, but they are low public-houses.

1351. Is not the practice of holding wakes nearly as old as Bridgnorth itself?—It may be so, but we conceive that it is contrary to the tenor of the licence, which is intended for the refreshment of travellers; whereas this is an invitation to people to come and spend their money in drink, and by assembling young people together a vast amount of immorality is perpetrated.

1352. Do you find that at Bridgnorth they have attached rooms for public entertainment to the alehouses?—No; I am happy to say that we have nothing of the sort in Bridgnorth.

1353. No concert rooms nor saloons?—No.

1354. You have no other remedy to suggest, but that there should be the power of withdrawing the licence by the magistrates of the district?—It would be a great boon to the country; and I think the parties applying for a licence should have a higher qualification than the mere rental of 8*l.* a year, which, if my memory serves me right, is the qualification now.

1355. How many magistrates attend at your licensing sessions?—We have very few; I do not think we ever exceed three in number.

1356. Are they, generally speaking, the same magistrates?—Generally the same. I have been there for about 30 years, and I have not seen a greater number; now and then there may be four.

1357. You have no stipendiary magistrate in that district?—No, we have not.

1358. Mr. *Brown.*] Do you approve of the Excise granting those licences?—I should be very glad if the Excise had nothing to do with them; they have, generally, other things to attend to than to inquire into character, and what reaches their knowledge must be by hearsay; they would hardly be men competent to form such a decision.

1359. It has been stated that the Excise officers who are in the habit of visiting those houses have often more power of checking what is wrong than the police have?—I do not think the Excise officers have any power of visiting the houses.

1360. *Chairman.*] May not they go into any place that is entered, to see if spirits are sold?—Yes, for that particular purpose; but they would not go as police officers, to inquire into the character or conduct of the keeper of the house, their object being to dispose of as many licences as they can.

1361. Do not you find that the keepers of those beerhouses introduce some sort of attraction into them, to induce people to come there?—No. I think the inducement is that they are men of very low character, and that draws men of the lowest character to form their plans, and indulge themselves to the excess to which they generally do.

1362. In the country district with which you are acquainted, is it the practice to introduce into the houses women of the town, or people with music, or people to sing, to induce persons to resort to them?—On fair-days there may be music in the houses; but we have no concert, or anything of that kind, at present, I am happy to say.

Lunæ, 23° die Maii, 1853.

MEMBERS PRESENT:

Mr. Villiers.	Sir John Pakington.
Sir George Goodman.	Sir George Grey.
Mr. Fitzroy.	Mr. Ker Seymer.
Mr. William Brown.	Lord E. Bruce.
Mr. Gregson.	

THE RIGHT HON. C. P. VILLIERS, IN THE CHAIR.

Charles Turner, Esq., a Member of the House, Examined.

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1363. *Chairman.*] YOU are a Magistrate at Liverpool?—I am; I am a magistrate for the borough, and also for the county.

1364. You attended a meeting that was held there for the purpose of considering the present system of licensing public-houses and beerhouses on the 24th of January, in the present year?—I did.

1365. There was a report agreed to, upon certain complaints that had been laid before the magistrates who assembled at that meeting?—I am not aware that there were any complaints laid before the magistrates as a body; there was a feeling of dissatisfaction in the town with reference to the licensing system generally, at least amongst a good many individuals; but I was not aware before that the complaints had assumed a formal shape.

1366. But the magistrates assembled for the special purpose of considering the system of licensing?—They did.

1367. Was that attended by the magistrates who usually grant licences?—It was attended by a considerable number of magistrates; I have no doubt there were many magistrates who usually attend the licensing. There was a considerable number present at the beginning of the meeting who were not present when the second resolution was adopted.

1368. But the magistrates who attended were, from their previous experience and habit of acting as magistrates, quite competent to discuss and decide upon the matter?—Certainly.

1369. They came to the report which has been drawn up?—Yes.

1370. You have seen the report which was forwarded to the Secretary of State's Office?—Yes; I have a copy of it here, but I think the Committee would do wrong in considering that report as expressing the opinion of the magistrates generally.

1371. The subject was discussed, and you divided upon it, and the report was carried?—It was carried 11 to 11; the mayor, who is one of the magistrates for the time being, giving a casting vote in favour of the report.

1372. Did they discuss each paragraph or section of the report, and divided upon each?—We did not divide upon every part of the report, because it was unanimously considered that the system demanded inquiry; I think there was only one division, and that division was upon the material point; as to the second clause, "That all houses for the sale of ale, beer, spirits, and wine should be exposed to free competition in trade, imposing only those restrictions which may be deemed expedient for the purpose of police regulation. Impressed with this view they conceive it desirable to limit the discussion of magistrates at the licensing sessions to one single question, that of character, and that the only condition precedent to the usual Excise licence, shall be a certificate from the magistrates, at their annual sessions, that the applicant is a fit person to hold a licence."

1373. Was

1373. Was the division upon the whole report, or was it upon some particular clause of the report?—The division was upon the second clause of the report, which I have just read; there was no division afterwards that I recollect.

1374. With respect to all the other parts of the report the magistrates were unanimous?—So far as I recollect, there was only one division.

1375. And that was carried by a majority of one?—It was; the mayor gave his casting vote in favour of that clause, the mayor being only a magistrate for the time being *virtute officii*.

1376. The second clause, which you have just read to the Committee, was proposed for adoption; the question was put upon it, and it was then divided upon?—Yes.

1377. Do you wish to make some statement to the Committee upon the subject?—My impression is—there are other magistrates who may entertain a different opinion—but my impression is, that the clause does not embody the general opinion of the magistrates at Liverpool. There were only 23 magistrates present when that clause was carried, which was carried by the very narrow division I have mentioned, 11 to 11, and the casting vote of the mayor.

1378. The magistrates were all summoned for this purpose; you do not allege that there was anything like informality or trickery?—Not the slightest; the discussion was very protracted; there was a much larger number of magistrates present at the beginning of the meeting, than there was at the end; a great many went away. When the final decision was taken there were only 23 present out of 41, of which the body consisted. I know that a great many of the magistrates who were absent at the time the final decision was come to, took the same view that I do of this matter, that it would be highly inexpedient to throw open the licence to every person of good character, which is tantamount to saying that every person who cannot be proved to be a person of bad character shall have a licence.

1379. Was any counter memorial signed by those magistrates who dissented from this resolution?—No.

1380. Have you any authority from them to make this statement to this Committee?—Not expressly. I have conversed with several of the magistrates, and I know what their feeling is, but there has been no meeting upon the subject.

1381. Do you wish to give the names of the magistrates who were present, and who wish to signify their dissent from that resolution?—No.

1382. What are the Committee to understand to be the particular purpose of your communication to them?—That a resolution carried by so narrow a majority, 11 voting on one side and 11 voting on the other side, and only 22 magistrates being present, making, with the mayor, 23 out of 41, can hardly be taken as expressing the opinion of the whole body of magistrates, though those magistrates who dissented, out of deference to their brother magistrates, did not think fit to meet afterwards to come to a counter resolution.

1383. There has been no formal resolution requesting you, as the Member for Liverpool, to make this statement to the Committee?—No; but I venture to put the facts before the Committee, in order that they may know how the matter took place.

1384. Can you state how many magistrates were present?—I have no doubt the whole were summoned.

1385. Can you state how many were present at first?—No, I cannot; but my impression is, that some ten or twelve must have gone away before the division.

1386. Have you any experience yourself with respect to the working of the licensing system?—I have been a magistrate for many years. Till I became a candidate to represent the town of Liverpool, I attended the licensing sessions regularly. Since that period I did not choose to do so, because I thought I might be liable to a variety of imputations.

1387. You have stated that you have heard complaints of the licensing system in the borough of Liverpool?—I have heard complaints from parties who have asked for licences and been refused them; but those complaints I consider to be only in the natural course of things. Whenever you have any limitation upon the granting of anything from which a party can derive a profit, there will be a great many people anxious to get into that limited body, and of course those parties who are disappointed will complain of this. But I know that the late Mr. Rushton was of opinion that the magistrates of Liverpool granted far too many licences;

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and I quite concur in that opinion, that they allow their feelings to be worked upon, and that licences are granted in many cases where it is very undesirable.

1388. It has been stated to the Committee that there is no rule recognised by the magistrate in granting those licences. Do you agree in that?—It is very difficult to have any rule in a place like Liverpool. It is very easy in a country town, or a place like Manchester; different parts of the town of Liverpool vary so much. I am chairman of the Dock Committee, and therefore I am well acquainted with the neighbourhood of the docks. If you were to make a rule that no houses beyond a certain number were to be licensed, in one part of the town you would have too few, and in another part of the town too many. It is obvious that near the docks, where you have a large floating population coming in from the sea, or coming down to embark, you require considerably more public-houses in proportion to the number of inhabited houses than you do in the outskirts of the town, where there are fewer strangers.

1389. Would not that circumstance be likely to lead to some rules being laid down, having reference to the peculiarities of different parts of the town?—You would have to lay down different rules in different parts of the town.

1390. What do you consider to be the objects which the magistrates have in view in granting the licence?—When these applications are made, the usual course is, that the magistrates have a meeting; they divide the town amongst themselves, and two or three magistrates are appointed to visit a certain number of houses from which applications are made, and to report upon them. I have visited them frequently, in company with other magistrates; and my course, in which I have been generally followed by my brother magistrates, is, first of all, to consider whether a public-house is wanted in the neighbourhood; if it is not, we have nothing further to do; if it is, then the next question would be as to the character of the applicant, and whether the house was likely to be well conducted. If a house is wanted, and the applicant is a person of good character, and the house is a good house, we should be disposed to report in favour of it; but if the house is not wanted, the goodness of the house or the character of the applicant do not come into play. Other magistrates take a somewhat different view of it; they think that where the house is a good house, and where the man is respectable, he ought to have a licence. I do not take that view of it, which is taken by some of my brother magistrates.

1391. Then the objects of the magistrates vary in granting these licences?—I think they do in some measure; or, rather, the opinions of the magistrates with reference to the mode in which they ought to deal with them, vary.

1392. Do those differences arise from different views as to the necessities of the district?—No, I think more from a different view as to the manner in which they should deal with the subject. Some magistrates think it desirable to throw the matter open as far as possible. Those magistrates who take that view, if the house is a good one and the tenant is respectable, vote for granting the licence. Others regard it as the first point to consider whether the house is wanted, and if it is not wanted, they would be disposed to vote against the granting of the licence, though the house may be a good house, and the applicant may be a respectable person.

1393. Is any evidence submitted to the magistrates with respect to the necessities of the district as to public-house accommodation?—The magistrates who visit the district make their report to the general body of the magistrates. The question whether the licence shall be granted or not depends upon the vote of the whole body. I think they generally place a great deal of reliance upon the report of the magistrates who visit the district.

1394. What is the rule which is acted upon with respect to the necessities of the district?—The rule would be this, in a great measure. If I, for example, found on visiting a particular locality, that there were two or three public-houses in the immediate neighbourhood, within a short distance, and if I was of opinion that there was no necessity, looking at the neighbourhood and the amount of the population, for any more public-houses, I should report that, in my opinion, more public-houses were not necessary in that district.

1395. Would it then be determined by the number of the population?—I take the whole circumstances of the district; the number of public-houses with reference to the people, and with reference to the casual population, as well as the ordinary population. If I were visiting a district near the docks, I should allow a larger

a larger number of public-houses in a district near the docks than I should in the outskirts of the town.

1396. In determining that question, have you any reference to the object of competition between houses, so as to secure to the district a good supply of the article sold?—Certainly, it would have a certain reference to that. If you put more public-houses in a district than are wanted, you may have competition with reference to the article sold, but you will also have competition of a very injurious nature for the purpose of drawing people to those public-houses. If you put more public-houses in a district than the wants of the district fairly demand, the public-house keepers immediately apply themselves to get up inducements to people to frequent those houses. For instance, they induce prostitutes to come to the houses, and they get a low description of concerts in the houses; they get bagatelle-boards; and there are a variety of means which they are induced to resort to in order to draw custom to the house.

1397. When any of those people transfer a licence that has been granted, having got a large custom by those means, the licence is of course more valuable?—The licence is transferred by the landlord and not by the tenant; the licence remains with the house. They licence the tenant, but they licence the house at the same time. The landlord may turn the tenant out of the house, and the tenant does not carry the licence with him.

1398. But the transfer is more or less valuable according to the amount of custom which the house has?—Clearly; but that would go into the pocket of the landlord.

1399. And the licence becomes less valuable when there are a greater number of public-houses together?—No question of it.

1400. And if the publican transfers it, it sells for a lower or a higher price accordingly?—Yes; but the tenant can only sell the licence when he has a lease.

1401. But it is possible that a publican may be the owner of his house?—Yes; in that case he might do it.

1402. It is always in the discretion of the magistrates whether they will renew the licence or not, and in deciding upon that question they proceed upon the evidence they get of the conduct of the house?—It is always in their discretion, but unless they proceed upon legal evidence in withholding the licence, the Quarter Sessions will immediately restore the licence. They could not take it away without a legal fault.

1403. Can you tell us what station of life the persons are in generally who hold the licences?—They vary from such a house as the Adelphi (which is probably known to Members of the Committee) to houses of 30 *l.* or 40 *l.* a year; they are of all classes; but generally speaking the publicans of Liverpool are a respectable body.

1404. But the owners of these houses, who gain what is realised by the transfer of the licence, are sometimes very respectable people?—The owners of the houses are often independent people; many of them are brewers, and many of them are persons of considerable property.

1405. They get the advantage of the transfer of the licence; if the licence is sold it is for their advantage?—Yes, no doubt; but they are generally people who do not care about it, because it is the income that they care about.

1406. But they are interested in the house having as much custom as possible?—Unless the house is let on lease, of course they have. If it is let on lease the inducement is the tenant's; but if it is let from year to year, of course the more custom they have to the house the greater opportunity it gives them to raise the rent upon the tenant, or put in another man at an increased rent.

1407. When a man transfers his licence he has of course to show the quantity of beer he sells?—A man seldom wants to sell his licence and to go into another district, except when the house is pulled down.

1408. The value of the goodwill of the house would be determined by the amount of the custom?—And the rent that is paid.

1409. You gave it as your opinion that the reason why you think that the number of licences should be limited in a district is, that if there were more licences granted than were required, some of the houses would seek to attract custom by improper means, and would thereby get a bad character. Now under the present system, is not a publican interested in increasing his custom as much as he can in order to increase the value of his goodwill and of his licence?—No doubt

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doubt; if he has a lease the publican has that interest; if he has not a lease he has not so much interest in the matter, as the landlord would raise the rent upon him.

1410. Where there are few houses instead of many in a district, is there not a danger of the quality of the beer being inferior?—It depends upon the arrangements. If the brewer is not the owner of the house, and the man can go to whom he pleases, it is generally a man's interest to sell good beer rather than bad.

1411. But if there is no competitor in the neighbourhood people must buy what they can get?—Unfortunately, in Liverpool, a man has not far to go to get to a public-house. If not another licence were granted there would be plenty in everybody's neighbourhood.

1412. Is there ever any evidence given against the publican as to the quality of the beer when application is made for a renewal of the licence?—I never heard of any.

1413. Would it be sufficient to prevent the renewal of the licence if it were discovered that the beer was adulterated, or was not good?—It is a thing that has never come before the magistrates; it is a matter that would be rather difficult of proof; it is a question we should have to ask our legal adviser, whether that would be a sufficient ground for refusing the licence.

1414. Have you any other objection to state to the proposed freer competition among these houses, besides the one which you have stated?—Yes. There is another very serious objection in my mind. I think that all these houses ought to be in a certain measure under the supervision of the police. There is, I consider, no greater evil than that in a large place like Liverpool, any man who can get a dozen persons to sign in his favour, should be allowed to set up a public-house in the midst of brothels and thieves without the police having some supervision over it. I think that if it was thrown open in the way suggested it would be impossible, without multiplying the police to an extent that the borough would not stand, to have the necessary supervision.

1415. You think that there would be a great increase in the number of public-houses if the system were more free?—I think a great increase, and that it would probably be in very objectionable places, up courts and alleys, and places of that kind. Now, the magistrates generally adopt the rule that they will not licence a house except in an open street, or somewhere where it is under the ordinary inspection of the police as they go their daily rounds.

1416. There is no limit to the number of beerhouses that may be established now?—No, there is not, unfortunately.

1417. If the licensing system were altered, would you expect that the beer-houses would be converted into spirit-houses?—If this proposition of free competition were carried into effect, I think the beerhouses would be converted into spirit-houses.

1418. Would they require greater supervision then than they are under at present?—Yes, they would require greater supervision, because drinking spirits draws many people who do not go for beer.

1419. Are you of opinion that more people would go to those beerhouses than go now?—Yes.

1420. Supposing that the beerhouses and public-houses were thrown open, and put upon the same footing, do you think it would require more houses to meet the wants of the public?—I think there are more houses now than the public want; but I think there would be more houses opened; more people would go into the trade, and you would have more disreputable houses.

1421. Do you think that they could carry on the trade profitably if there were many more engaged in it?—I think in Liverpool there are more public-houses in proportion to the population than in any other town in England.

1422. You think that the people would become more addicted to drunkenness if they had more opportunities of drinking?—Yes.

1423. You do not agree with those who think that the people would become less drunken and less disposed to drink spirits?—I think not.

1424. Mr. *Fitzroy*.] Do you think that anybody now abstains from drinking in Liverpool from the difficulty of finding public-houses to drink in?—Certainly not.

1425. Sir *G. Grey*.] Do you think that there would be merely a different distribution of the supply, or that there would be an aggregate increase of the amount of spirit drinking?—That there would be a different distribution; but I consider that from the causes which I have previously mentioned there would be more

more inducements held out in order to draw customers, and there would be more spirits drunk.

1426. It appears that under the present system those inducements are frequently held out by the tenants of existing public-houses; so that the present system has not prevented publicans having recourse to those inducements to attract customers to their houses?—No, it has not prevented it, but it has checked it. If you had open competition, that system would be more frequent.

1427. You said that there was a tendency on the part of some of the magistrates to grant licences in every case where the house was a good one, and the tenant was a respectable person. Now, what objection do you see to granting a licence under those circumstances where the house is a good house, and there is no doubt as to the respectability of the tenant?—I stated the two great reasons in my mind. First of all, I think that if you put a public-house in a neighbourhood where it is not wanted, of course some persons must lose the custom which they previously had, and those parties will adopt not exactly illicit practices, but dangerous and immoral practices, in order to retain their custom.

1428. You think that the maintenance of the monopoly in those public-houses tends to check those improper practices, but does not prevent them?—I think the maintenance of the present system has that tendency. It can hardly be called a monopoly, though, to a certain extent, it is a check upon the granting of public-house licences, inasmuch as if the magistrates do their duty, there is no monopoly to any one body of individuals. The magistrates are bound to act according to the best of their judgment, and to grant licences without any other consideration but the good of the public; but different magistrates may take different views of what tends to the good of the public.

1429. Is there an impression generally upon the public mind that those licences are granted with perfect impartiality, without reference to any private interests?—I have never heard of any allegation of party feeling in any case.

1430. Is it generally the opinion in the mind of the public, that the licences are granted without reference to private considerations?—I think generally that is the case. One has heard of certain allegations of favouritism; but I think, generally speaking, there is no great feeling upon that point.

1431. Are there any magistrates at Liverpool who are directly interested either in the increase of public-houses, or in the restriction of their number?—I am not sure whether there are magistrates who are brewers, or connected with brewers or spirit-dealers; but of course if there are either brewers or spirit-dealers, they have an interest of that description.

1432. You stated that you thought it right, after you became a candidate to represent the town of Liverpool, to abstain from taking any part in the granting of licences, because you thought that if you did, you would be liable to imputations. Therefore there is a disposition on the part of the public to suppose that the magistrates may be influenced by unworthy considerations in granting these licences?—It is well known that whenever any imputation can be thrown out, it is always done by the political opponents on one side or the other.

1433. Mr. *Brown.*] You are aware that when we met in Petty Sessions in order to licence public-houses, there were a great number of magistrates, but it was found so onerous and vexatious a duty that they determined upon that occasion to grant no licences?—Yes, I heard that that was so.

1434. Then a committee was appointed and made a report; that report was read at the meeting at which you were present, and some slight alterations were made in some of the resolutions of that committee?—Yes; but there was a feeling expressed by some magistrates that the committee had gone beyond the terms of their appointment in the terms of the report made; that they were not appointed in fact to make a recommendation as to the course that was to be pursued by the magistrates, but merely to inquire into the subject. Some of the magistrates said they had gone beyond their authority.

1435. But they made a report, and that report with some slight alterations was adopted; and although, as you have stated, twelve of the magistrates had left the room, were not those twelve cognisant of the nature of the report before they left the room?—They were, but they did not agree in it.

1436. Why did they not stay to object to it?—Parties have arrangements of different kinds, they cannot always remain; but my impressions is, that if the vote had been taken before any of the magistrates had left the room the resolution would have been lost by a considerable majority.

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1437. Are you not aware that there were as many approving as objecting, taking the whole body of the magistrates?—I think not.

1438. Do not you think that if security was taken for beerhouse keepers and public-house keepers from respectable bondsmen, they would be much better able to judge of the character of the parties for whom they become bondsmen, than the magistrates can be?—My opinion about that is this; the bondsmen would generally be brewers or spirit-dealers; if the bond was of any amount there would be a much greater monopoly than there is at present; you would put those parties directly under the control of the parties who became their security; you would find that those bondsmen would generally be either brewers or spirit-dealers, or somebody for them, and they would give bond as a mode of getting the control over those houses.

1439. *Chairman.*] The brewers and spirit-dealers are persons who are interested in getting an influence over those houses?—Of course.

1440. Mr. *Brown.*] Even assuming that that would be the case, and that it would not decrease the monopoly, have you any doubt that it would give us a more respectable class of publicans, because the bondsmen would be charged with the penalty in the event of the delinquency of the publican?—I think not, because I think there can be no greater check than there is at present; after two convictions the licence would be taken away, and the landlord knows perfectly well that if his tenant transgresses the law he will lose the licence to his house. Now nothing can be a greater inducement to the landlord to put in a respectable tenant, than the knowledge that the conduct of the tenant may deprive the landlord of a great part of the value of his property.

1441. Did you ever know an instance of the renewal of a licence being refused to a house in Liverpool?—Yes; I think there were two licences taken away last year, and there was an appeal to the Quarter Sessions in consequence.

1442. Was not that appeal sustained in consequence of there being no means on the part of the magistrates to enable them to send a solicitor and witnesses to the Quarter Sessions to support their decision?—No; the appeal was set up upon its merits. I quite agree in thinking that the magistrates are put into a position in which they ought not to be placed. There are no funds to support the magistrates in any appeal against their decision. The magistrates are obliged to go *in formâ pauperis* to the town council and ask them to pay the expenses; and if they choose to refuse to do so, they must pay the expenses out of their own pockets.

1443. You are aware that the keepers of beerhouses can establish themselves when they please and where they please?—Yes.

1444. Is it not the interest of a brewer who is the owner of a beerhouse rather to prefer a pugilist, or a man who is in a low position, who can draw customers round him to consume beer, than to look for a man in a respectable position?—I have not that opinion of men generally. I think they would rather have a respectable man to keep the house if there is a fair remuneration.

1445. The question does not refer to what a respectable man would do, but rather to what is in the power of people who are not respectable?—It would depend upon the quarter of the town in which the house was. There are parts of the town where it might be the interest of a landlord who was not respectable to put in a tenant who was not respectable, and to run the risk of losing his licence.

1446. Do you think it possible that, from any information which the magistrates can possess, they can be competent judges of the wants of trade in any particular street, or in any particular locality?—I think certainly I should have no difficulty myself. A magistrate who knows the town, who has lived there a good many years, I think, by visiting the different districts, and refreshing his knowledge, has no difficulty upon that point.

1447. How should you decide how many dinner-shops are required in a district?—I should not give myself much trouble about that.

1448. Or how many drapers' shops, or any other shops are required?—I consider that drinking spirits is very different from buying linen, or buying a slice of mutton.

1449. *Chairman.*] Is it not much more difficult to determine how much is required?—I think that most magistrates are of opinion that it is necessary, with respect to places where a number of people are got together for drinking and carousing, and where men meet together for the purpose of concocting robberies, or dividing their plunder, that there should be some active superintendence of the

the police, and that a public place of that description requires a very different supervision from places where a yard of calico may be sold, or where a slice of cold meat may be sold.

1450. You depend upon the police for evidence against those houses where offences are committed?—Yes.

1451. Some of the licensed victuallers also are convicted sometimes by the magistrates?—They are convicted from time to time, but chiefly for offences against the Local Acts.

1542. Is it true that the police of Liverpool are appointed by the watch committee?—Yes.

1453. There is not the same restriction upon that committee that there is upon the bench, that they cannot have a brewer upon that committee?—No, any person can be upon that committee.

1454. It is chiefly brewers and spirit-dealers who are interested in these houses?—It would be their interest chiefly to have the command of such houses; but I do not know how the fact may be, whether they are in their hands or not, but certainly they have an interest in having public-houses under their control.

1455. But they may be upon the watch committee, and so take a part in appointing, promoting, or dismissing the police?—Yes.

1456. If there were brewers or distillers upon the watch committee they would have an interest in some of those houses, and have an interest in the licences not being taken away?—That might be so, no doubt.

1457. The policemen would offend those persons if they reported against those houses, or at least they would be injuring their property if they did so?—It would injure their property if they reported against a house in which they had an interest; but I have no reason to think that the case supposed ever happened.

1458. You have not the same check against the exercise of interested motives with respect to the watch committee, that you have with respect to the granting of licences, namely, by not allowing brewers to be upon that committee?—Certainly not.

1459. The reason why they are not allowed to grant a licence is, that they might have a direct interest in the house which they licence?—Yes, but the interest in the case supposed is very indirect; it assumes first, that the policeman will not do his duty in reporting against a public-house that offends against the law, because it is supposed that a member of the watch committee may have an interest in the house, and then it is supposed that the member of the watch committee will bear a grudge against the policeman for doing his duty.

1460. But there may be more or less watchfulness on the part of the police; it comes to this, that there is a check with respect to the bench in the matter of licensing that there is not with respect to the watch committee?—Certainly; but I should consider that a very indirect matter.

1461. Did you ever know an instance of a constable resigning in consequence of a difference between him and one of the watch committee on account of his reporting a public-house?—No, I do not recollect any such case.

1462. Was not there a case of the head constable resigning in consequence of such an occurrence?—I have no recollection of it, but it may have occurred; I am not always in Liverpool.

1463. Mr. *Brown.*] Do you recollect how many transfers of licences take place in a year?—I do not; I think Mr. Wybergh gave evidence about that.

1464. You are aware that the magistrates are besieged with applications for transfers?—Yes.

1465. Many of those people have no interest as keepers of public-houses, but merely apply for the licence in order to transfer it to somebody else, and to receive a good premium for it?—They have to make arrangements for it; it is the landlord who transfers the licence afterwards.

1466. Is not the licence worth from 100 *l.* to 500 *l.* in Liverpool?—I think from 100 *l.* to 300 *l.*, but I have no doubt that occasionally it happens that a licence is applied for in an out-of-the-way part of the town, and that afterwards there may be an application to transfer the licence to a populous part of the town where that licence may be worth a good deal of money. That is a possible case, but it is a matter of inference merely.

1467. You are aware that before the Beer Act was passed they were all public-houses?—Yes.

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1468. When the Beer Act was passed, did not the number of beerhouses very rapidly increase?—Yes; a great many people set up beerhouses in Liverpool, because they think that after carrying on a beerhouse for a certain number of years they have a claim to a spirit licence; I think that inducement frequently operates.

1469. *Chairman.*] Do they get licences upon that ground?—I have never allowed it to influence me, but I know that that is the impression of some of them; but whether it influences the magistrates I cannot say; it never influences me.

1470. Sir *J. Pakington.*] Are the beerhouses in Liverpool generally well conducted?—They are of all classes.

1471. The inducement of which you have just spoken is not sufficiently great to cause them to be well conducted as a class?—I am not prepared to say, that as a class they are ill-conducted.

1472. As a class, are they not worse conducted than the licensed public-houses?—They are of a much lower class altogether, therefore I have no doubt they are worse conducted.

1473. *Chairman.*] You say that the beerhouses do not belong generally to the tenants themselves?—In most instances, certainly not.

1474. They belong to respectable people in the town?—People of property in the town.

1475. Sir *John Pakington.*] Do a large proportion of them belong to brewers?—I cannot say; some brewers have a considerable number of public-houses under their control, but whether the larger proportion of them belong to brewers I cannot say.

1476. *Chairman.*] You were understood to say that your chief objection to throwing open the trade is, that it would require a much more extensive supervision of the police if the trade were thrown open, because you think that the beerhouses would all sell spirits, and they would be less well conducted, and that you would have to increase the police?—Yes.

1477. Do you think that if the police were quite independent, and quite free from any influence which they may be supposed to be under from the composition of the watch committee, and did their duty well, they would be sufficient for the purpose?—I do not think they would; if you licensed every house that would apply, I think you would have to increase the police enormously.

1478. What is the course with respect to those beerhouses, when they have offended the law; is it the practice at Liverpool to notify it to the Excise, in order that the licence may be suspended?—I am not cognizant how that is arranged; but I think, generally speaking, there is no further notice taken of it, beyond fining the parties.

1479. What happens when you fine them; are the penalties generally paid, or are they sent to prison?—The penalties are generally paid.

1480. Are you of opinion that it is the fear of the withholding of the licence that keeps the licensed victuallers in order?—I think so.

1481. Would not that operate upon the beerhouse keepers if the magistrates did their duty more strictly. You are aware, that by the law, after a conviction it is the duty of the magistrates to notify it to the Excise, in order that the licence may be suspended. Do not you think that if that were done more regularly, the beerhouse keepers might be under the same wholesome influence in that respect as the publicans?—I think not. In the first place, the man has nothing to do but to remove to a short distance, and to get 12 householders to sign for him, and get another licence. It is so easy to get a licence for a beerhouse, that the loss of a licecne amounts to nothing. It is very easy to get 12 men to put their names to a certificate.

1482. How can the man get a licence for another house; the law says that his licence shall be suspended for two years; your opinion is, that notwithstanding that, the Excise will grant him a licence?—I think he would get it either in his own name or his wife's, or daughter's, or somebody else's.

1483. You do not mean that the same person would get a licence, but some other person for him?—My impression is, that if he brings a certificate signed by a certain number of persons, the Excise make no inquiry.

1484. You stated that the great check upon the licensed victualler is the fear that his licence may be withdrawn. The beerhouse licence may be suspended also; and I asked you whether that would not have the same effect upon the beerhouse keeper. You say you think not, because even after a second conviction,

tion, the Excise would still grant him a licence. Have you any reason for saying that?—We all know that these things are granted without inquiry.

1485. When the licence is suspended in consequence of a second conviction, do the Excise still grant another licence?—The impression generally upon the public mind is, that if a man takes a recommendation from 12 householders, as the law requires, that he is a fit man to keep a beerhouse, the licence issues from the Excise Office without further inquiry.

1486. But we are talking of the influence of this remedy of withholding the licence; have you any evidence of licences having been suspended for a time in consequence of a second conviction, and then having been renewed again by the Excise during that time of suspension?—I have no knowledge of any licence of a beerhouse having been suspended from that cause.

1487. Therefore you have no knowledge of the Excise having neglected their duty so far as to renew the licence, when it had been suspended in consequence of a second conviction?—No.

1488. Can you give any reason for your opinion, that the fear of the licence being withheld or withdrawn from a beerhouse would not have the same effect as in the case of a licensed victualler?—One reason is, the ease with which a licence is got; another reason would be this, that a beerhouse is generally of a poorer class, and the licence being only a licence for selling beer, and not a licence for selling spirits, the penalty of losing it is not the same.

1489. But I understood you to say, that beerhouse property is valuable property, belonging to respectable people in the town of Liverpool?—It is; but the licence of a beerhouse makes no important addition to the value of the house beyond the rent, as it does in the case of a spirit licence. A house without a spirit licence may be worth 20 *l.*, or 30 *l.*, or 40 *l.* a year. If it got a spirit licence, it would put 15 *l.* or 20 *l.* a year upon its value at once; but if it was a beerhouse, there would be no such increase of value.

1490. But it is the fear of losing what he has got that makes the licensed victualler so respectable; why should not that equally operate in the case of the beerhouse keeper?—The difference between a house with a spirit licence and without a spirit licence as to its annual rental value would be something like 20 *l.*, or 30 *l.*, or 40 *l.*, a year, and the loss of that would be the penalty which a man would incur in case he forfeited his licence; whereas in the case of the beerhouse the licence would not add above 2 *l.* or 3 *l.* to the annual value of the house.

1491. But the beerhouse keeper is a much poorer man, and therefore a less amount of loss is of equal importance to him?—Yes, but it falls upon the landlord; because if the landlord got 20 *l.* a year for a house used as a beerhouse, he would not get above 2 *l.* or 3 *l.* a year more for the house in consequence of its having a beerhouse licence; and it is the amount of loss by the forfeiture of the licence that determines the penalty.

1492. Are you of opinion that the persons who own the beerhouses are indifferent, generally speaking, whether the licence is forfeited?—I think they care nothing about a beerhouse licence; if it is a spirit licence it is very different; but they would be perfectly indifferent to the forfeiture of a beerhouse licence.

1493. Does not a man who holds a beerhouse licence depend upon it for his livelihood?—Many do, many do not; many go into it, as I have stated, in the hope, after a certain number of years, of obtaining a spirit licence; others go into it in connection with some other business. The man is a shoemaker or a carpenter, and he scarcely gets more out of the business than the value of the licence; a beerhouse licence is worth very little, while a spirit licence is worth from 100 *l.* to 300 *l.*

1494. But a beerhouse keeper must have premises, and he must have stock?—The stock is very small; he may open one of his parlours and get a bench or a table, and that is all his stock; there is nothing required to set up a beerhouse.

1495. He has paid for his licence?—Yes, that is two or three guineas a year.

1496. Would you think it desirable to raise the value of the premises in which a beerhouse is allowed to be opened. Do you think that if the premises were of greater value, in that case the withholding of the licence upon a second conviction would be any check?—It would only be a check if the licence were worth anything; at present the licence is worth nothing.

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1497. Sir *J. Pakington.*] On what account do you consider that it is worth nothing; is not the beerhouse kept open because it is a source of profit?—The licence does not raise the rent of the house; a house with a beer licence attached to it is worth no more than it was without. But if a house has a spirit licence attached to it, it immediately puts an increased value upon it to the amount of 20 *l.* or 30 *l.* a year.

1498. Has not that view of the matter reference rather to the interest of the owner of the house than of the tenant who keeps the house?—If the tenant is a tenant from year to year it is a direct landlord's matter, because as soon as the half year comes round, he gives him notice to quit, or raises the rent.

1499. The Act of Parliament requires that no house in the town of Liverpool shall have a beerhouse licence granted which is not worth 15 *l.* a year. Can you state whether that is adhered to in Liverpool?—There are few houses in Liverpool that are not worth 15 *l.* a year.

1500. Then that Act, as far as Liverpool is concerned, has very little operation?—I have no doubt that is adhered to. There may be some houses worth only 12 *l.* or 10 *l.*

1501. Do you think that the character of the Liverpool houses would be improved if a higher rating were required as a qualification for a beerhouse?—There is no doubt that the class of house would be improved.

1502. Do you think that alteration would have a good effect?—I cannot say; I would not trust to it.

1503. *Chairman.*] You have stated that you have known some cases where the licence was not renewed, and has been withdrawn from the publican. Does that affect the house itself?—Yes; it is in fact the licence taken away from the house. As the law stands, the licence is given to the man in the house; and when the licence is taken away, the licence goes from the house, and the landlord is punished; and it is a great check to the landlord taking any but a respectable tenant, that the tenant has it in his power to destroy the whole commercial value of the house.

1504. You have stated with respect to a licensed victualler, that if the licence is withheld it affects the house?—When I spoke of the house, I referred to the landlord.

1505. Beer and spirits, and whatever was sold before in that house, could not be sold again?—No.

1506. It affects the house as well as the person?—Yes, I believe so; I am not acquainted with the law; you are asking me a legal question; that is my belief without being a lawyer. I cannot say whether the Excise licence is the same as the magistrates' licence. Whether that is the case with the Excise licence I cannot say. If a man is licensed for a particular house, and quarrels with his landlord, or his landlord quarrels with him, and dismisses him from the house, the tenant does not take the licence with him, but the landlord upon going to the magistrate can demand (in point of fact he asks, but he can demand) that the new tenant shall be licensed for that house, if he is a respectable man. The magistrates can refuse him; but if they do refuse him he goes to the Quarter Sessions, and they immediately ask, "Why do you refuse a licence to this man?" Theory is one thing, and practice another; therefore, practically speaking, the licence remains with the house, although the tenant is gone. The magistrates cannot refuse it practically. If we refuse the licence, an appeal takes place to the Quarter Sessions, and the Quarter Sessions immediately licence the house over your head. They say, "You cannot take away this man's property without good cause. If the tenant in the house has conducted his house improperly, and you then refuse to grant the licence, the Quarter Sessions will maintain you in that, and they will not license the house; but if you arbitrarily take away a licence from a house, the Quarter Sessions will not support you in that."

1507. Mr. *Fitzroy.*] Do you find that the Quarter Sessions do support you in appeals against your decisions, if you withdraw the licence in consequence of the bad conduct of the house?—Yes, but they would not support you if you withdrew it arbitrarily without good cause.

1508. Mr. *W. Brown.*] How many houses do you recollect being refused licences?—Very few; there have been some within the last two years.

1509. How many on the average per annum?—Very few indeed.

1510. Three or four?—I should scarcely say so many.

1511. Sir *G. Goodman.*] Has the Corporation of Liverpool a very large property in the town?—Yes.

1512. What do you suppose the rental of that property is?—The corporation accounts would show exactly; the are published every year. The property is chiefly let on terms of years; 75 years, for instance.

1513. In that property, possessed by the corporation, do you consider that there is a great deal of public-house property?—As bearing upon this question you may consider it of no consequence at all, because the property is let on 75 years' leases, renewable in so many years. Practically speaking, they only receive the fines. They never let them fall in unless they want the property for public purposes. If they do, then they refuse to renew.

1514. *Chairman.*] Are there other places of public resort in Liverpool connected invariably with licensed houses, such as concert-rooms?—In some cases there are, although I am not prepared to say that it is invariably the case.

1515. Has the present state of places of amusement been a subject considered by the magistrates?—It has.

1516. Do they recommend greater powers to the police in supervising those places?—Yes.

1517. And for increasing the police?—That would not operate on the magistrates, that is a question for the watch committee. I believe the watch committee would not refuse to do it if they thought it desirable for the peace of the town. I believe the watch committee are desirous of doing their duty as well as the magistrates to do theirs. I am a member of the corporation as well as one of the magistrates, therefore I may be said to have an *esprit de corps* on both sides.

1518. Do you attach much importance to this, that the holder of a licence should be required to reside on the premises, and to exercise a personal superintendence over his house?—I have not considered that question.

1519. You know that sometimes persons hold the licences who do not occupy the premises?—I know this is the case, that the man is employed in some handicraft trade in the day, and his wife attends to the public-house in his absence.

1520. Do you agree with the other recommendations and views taken by the magistrates?—The part of it that I agreed with was, that there were many evils attending the present system, and that it was a question very well deserving inquiry by a Committee of this House, and by committees generally. But when they go beyond that, to suggest remedies, I must give my opinion, as far as I have considered the subject, that although there are a great many evils attending the present system, there is no remedy that has been suggested for those evils that is not attended with greater evils than the present system.

1521. What would be the effect of allowing people to sell spirits as they sell groceries?—My opinion is, that it would lead to a great deal of increased drunkenness.

1522. What is the case with the wine and spirit merchants; if they apply to sell a bottle of spirits to any of their customers, do the magistrates grant the licence?—It is a question of discretion. They have done so in several instances lately, but the difficulty that the magistrates feel with respect to it is this, that if a licence is once granted it is not possible to take it away, except for some misconduct of the party. It is quite possible that a wholesale dealer may apply for a licence for a particular house for the purpose of selling bottles of spirits to his customers, and he afterwards may, if he is the owner of the premises, let those premises to another man, and open a dram-shop, and the magistrates have no control over it. When the licence is once granted to the premises you cannot put any restriction on the grant of that licence by law.

1523. But, at present, it depends on the discretion of the magistrates whether a wine and spirit merchant should sell a single bottle or not?—Yes.

1524. If he could sell a smaller quantity, would it not be sufficient for his customers without going to another place?—Yes, it is desirable that wine merchants should have that power, for the purpose of supplying private houses; but the danger is of having a dram-shop opened.

1525. The evil of it is that spirits might be drunk on the premises?—Yes; if you allow spirits to be sold in drapers' shops, and other places of that sort, as in Scotland, then people and servants who go in for the purpose of buying things, are either given or induced to take a glass of spirits, and a system of dram drinking is thereby introduced which is destructive of the morals of servants of families.

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That, I believe, has been found to be the case in Scotland; at least, I have heard it complained of.

1526. Would the brewers or the wine merchants oppose that change of the law?—It is extremely likely that those who are interested in public-houses would oppose it; whether it would be so or not I cannot say. I should doubt very much its being a desirable matter to do.

1527. Mr. *W. Brown.*] With respect to the police regulations, are you aware that the public-house keepers complain that they cannot call a policeman in to clear their houses unless they give their customers in charge, which prevents their obtaining the assistance of the police when they find men disposed to be riotous, and difficult to turn out, and themselves liable to be fined in consequence of their remaining open over the legal hours?—It is very desirable that the police should have increased powers. If you begin to license individuals, and not the houses, you might license an individual for a particular house where the licence was wanted, and the individual might go away and occupy another house, if you allowed him to take the licence with him.

1528. Suppose you did not allow any transfer at all, and made him give security during the time he occupied his house, and let the licence lapse altogether when he left the house, or provided that in case of his death the widow might continue it for the remainder of the year?—If there was a licence there before, you would put it in the tenant's power to destroy the property of the landlord completely.

1529. That is the landlord's business?—He puts himself at the mercy of the tenant completely.

1530. Mr. *K. Seymer.*] The landlord's property is only the value of the monopoly?—I do not know what you call the monopoly; it is the value of the restriction put upon a certain trade, which only a certain number are allowed to enter into. That is hardly a monopoly, which anybody is allowed to enter into if the wants of the town make it desirable. It is not a monopoly to any one class of individuals; it is a restriction which is put upon a certain trade for the good of the community.

1531. Incidentally, it gives a monopoly value to those houses which have this particular licence?—It gives a value; when you call it a monopoly, that is a very different question.

1532. Mr. *Gregson.*] What do you think of allowing grocers to sell wines and spirits, but not allowing them to be consumed upon the premises?—That would obviate the objection a good deal.

1533. Do you concur in the first of the recommendations contained in the resolutions that were adopted at the meeting of the magistrates?—That was the material point. I cannot say whether I concur in all the rest.

1534. Do you concur in recommending "the repeal of the several Acts for the regulation of houses for the sale of beer"?—I do not concur in that unless you have an amendment to propose. It is a necessary preliminary if you are to throw the trade open; having voted against the second clause, the other follows with it.

1535. Do you complain of the present licensing system?—I have said that there are many evils attending the present licensing system; still I think there has been no suggestion made that is not attended with greater evils than the present system.

1536. Mr. *W. Brown.*] Are you aware that one of the magistrates suggested that there should be caution money instead of a bond, and that another suggested that a bond should be taken?—Yes; all those things are attended with this evil; if the caution money is large, it is destructive of small houses, and it is nothing to large ones. If it is sufficiently large to make it worth while, then you must throw these men into the hands of somebody, who will enter into these cautions, and who will lay down the money for them. That, I think, is a worse evil than leaving it in the hands of the magistrates. Upon any system of that kind, for the caution money to be effective it must be considerable, and the only party that you could find to lay down this money would be some person who directly or indirectly expected to get a profit out of what he was doing.

1537. Would it not be desirable for the security of the revenue, and in order to promote the moral conduct of the people, and to give a reasonable remuneration to persons keeping public-houses and beershops, to keep them within a fair public demand for their services?—My opinion is that the present licensing system gives you all the good that you can have from it. If the landlord is not deterred

deterred from putting in a bad tenant by the knowledge that that tenant may occasion the loss of the licence, there is no system of caution money that he will not run the risk of. C. Turner, Esq., M. P.

1538. And yet the recommendation which these individuals get, urging that the public-house is wanted in the neighbourhood, you would consider valueless?—It is not worth the paper it is written on, because we all know that any man who goes to his neighbours may get them to sign any quantity of paper for him. 23 May 1853.

Mr. *James Butler*, called in; and Examined.

1539. *Chairman.*] WHERE do you reside?—At Brighton, and 155, Regent-street; at Brighton we have a branch depôt. Mr. *J. Butler.*

1540. What is your business?—Wine and spirit merchant.

1541. You know what the present state of the law is with regard to the sale of spirits by wine and spirit merchants?—Yes.

1542. You know that there is a limitation as to quantity?—Yes, two gallons, or 12 bottles.

1543. Can you sell less if you have not a licence to do it?—The law does not allow any licence to a wholesale dealer at present.

1544. Is it not the practice, in some places, to sell a less quantity?—I believe not; there may be, under particular circumstances, but it is not general.

1545. Is there any penalty attaching?—A penalty of 100 *l.*

1546. Is it a fixed sum of that amount?—It may be mitigated to 10 *l.*, or 10 *s.*

1547. But not more than 100 *l.*?—Not more than 100 *l.* for each offence.

1548. Have you anything to state in favour of amending that law; do you believe that it would be a great convenience to the public if wine and spirit merchants were allowed to sell spirits in less quantities than two gallons?—A very great convenience indeed.

1549. State what that is?—If a gentleman comes and wants a bottle of brandy, he naturally goes to a wine merchant for it; we tell him he must buy twelve bottles, or go to a public-house.

1550. That would be two gallons?—Yes.

1551. What would be the consequence of that?—He would stare at me, and tell me that the law was absurd; and then I should look at him, and see whether he was a thief or an informer, and if I liked his appearance, perhaps I might let him have the bottle.

1552. Do you state that there are frequent applications of this kind?—Daily.

1553. You speak from your experience; your belief is, that it is a great inconvenience to persons not to be able to get a single bottle of spirits?—A very great inconvenience, and the law is daily evaded.

1554. Do you say the same thing as to persons of the lower classes?—All classes; for instance, a poor woman came into our shop in Regent-street the other day, and wanted a bottle of brandy; one of our clerks told her he could not sell less than twelve; the poor old woman wanted to make some decoction or other, and she was obliged to go away without it. When I came home the circumstance was related to me, and I said, I should have let her have it, had I been there.

1555. Did you ever know an instance of a person going to a public-house in such a case?—No, she would go without; she would not get it so good at a public-house. There are many exceptions, where you might get as good a bottle of brandy as you would at the wine merchants; but generally you would not.

1556. Does the same thing apply to wine?—No, we can sell a single bottle of wine.

1557. Do you find many people sending for a single bottle?—A great many thousands; at Brighton, particularly, where we have a branch. When we say, "You must buy twelve bottles," they say "We are only going to stop a few weeks." The law was the same as to liqueurs three years ago, but now, on paying an extra two guineas a year, we may sell a single bottle of Marischino; until then we could not sell less than twelve bottles of Marischino or Noyeau, which was too large a quantity.

1558. Do you now pay that sum?—We now pay that sum and sell a single

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bottle; before that we broke the law, because nobody wanted twelve bottles of Marischino.

1559. Mr. *Fitzroy.*] Your objection to the present law is, that it is daily evaded?—It is; we cannot conduct our business in the fair and honourable manner we should like to do, because the law says we cannot do it without running a risk.

1560. *Chairman.*] Do you know what the date of the Act is, which precludes wine merchants from selling less than two gallons?—I do not; but I think it goes some time back.

1561. What is considered to be the purpose of it?—I think it sprung originally from this, that wines and spirits used to be sold in the same way that they are now in Scotland, by selling a single glass, which is a great evil. Wine merchants only want that they may be allowed to sell a bottle or a pint of spirits, that a man can carry away with him; a customer is allowed to go to a public-house and buy, and drink a glass, or half a pint of spirits at the counter, and yet he is not allowed to go to a wine merchant and buy a bottle of the best brandy to take home with him. That is a great evil to the wine merchants, because they are always in the unpleasant position of thinking that there are informers coming in.

1562. Your idea of the purpose for which the law was passed is, that it was to prevent the drinking of small quantities on the premises?—Yes; which would be a great evil.

1563. Would you recommend that the wine merchants should be allowed to sell a single bottle without the corks being drawn?—Yes, or a pint. If a person comes to us and says he wants a pint of brandy, we tell him he must go to the public-house. Public-houses will not go to the expense that wine merchants do to get the best brandy. I believe in stating this I have the authority of Fortnum and Mason, Wood of Bond-street, Howis and Mason, Morells, and many others, who have all been fined.

1564. Mr. *W. Brown.*] Would you make it imperative that wines and spirits sold in that way should be in imperial quarts or pints?—It would be as broad as it is long. We sell now the imperial quart of brandy for seven shillings. You might have it in any way you like. It would be better, no doubt, if it got into one system.

1565. You, as a conscientious wine merchant, would be disposed to give the larger bottle?—We should be conscientious enough not to do business without a profit.

1566. *Chairman.*] Are there persons who are allowed to sell a single bottle of spirits?—The vintners, but there are very few of them; there are only two or three at the west end.

1567. They may sell a single bottle, being wine merchants?—Yes.

1568. Do they take out licences?—No, I believe not; but the spirit merchant has to pay ten guineas a year for his licence, and 2 *l.* or 2 *l.* 10 *s.* for his liqueur licence; and he would be glad to pay an extra sum, so that he could conduct his business fairly and honourably. The fact is now, that you must not buy a bottle of brandy except at a publican's.

1569. Mr. *W. Brown.*] Is there not a great reluctance on the part of some persons to send their female servants for a bottle of wine or a bottle of brandy to a public-house?—Yes.

1570. And they would readily send them to a wine merchant's or a grocer's?—Yes.

1571. Mr. *Fitzroy.*] Would you object to pay an increased sum for your licence?—Not at all; we only wish to be protected against informers. Our names figured some years ago in the newspapers as if we had evaded the law.

1572. Mr. *Gregson.*] Your only wish is to sell in sealed bottles?—Yes.

1573. Mr. *Fitzroy.*] You would object to its being drunk on the premises?—We would pay so much a year to prevent it.

1574. *Chairman.*] In making this statement, do you represent a considerable number of persons in the same trade?—Yes.

1575. Do they all agree in what you have stated?—Yes. I came here rather unexpectedly, or I might have got a memorial with a list as long as this table. I may mention the four partners at Fortnum and Mason's, Wood of Bond-street, and several others. I do not know one at the west end of the town that would not be glad to sign a memorial to be allowed to sell a single bottle.

1576. Lord

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1576. Lord *E. Bruce.*] Suppose an old customer of yours were to come to your house, would you allow him to have half a dozen bottles of brandy?—We should if he were an old customer, and run the risk. We do it daily on the risk; to the very men who fine us, we do it.

1577. The brandy bought of you would be charged much more for if bought at an hotel?—No, much about the same.

1578. But the wine bought at an hotel is charged a great deal more for?—You would pay more at an hotel than at a wine merchant's for the same kind of wine.

1579. The wine bought of you at 3 *s.* 6 *d.* the hotel keeper or innkeeper would charge 6 *s.* for?—Yes, perhaps.

1580. And brandy the same?—Yes; for instance, if a person goes down to Brighton for a week or a month, twelve bottles of brandy would make all his house rather fresh for that time. He does not want it; one bottle is quite sufficient.

1581. The smallest quantity he can buy of you is one dozen?—One dozen by law.

Mr. *Richard Mallam Webb*, called in; and Examined.

Mr. *R. M. Webb.*

1582. *Chairman.*] WHERE do you live?—At Brighton.

1583. Are you a wine and spirit merchant?—Yes.

1584. Doing a great deal of business?—Yes.

1585. You have heard what Mr. Butler has stated?—Yes.

1586. Do you coincide with him that there is great inconvenience in not being allowed to sell spirits in smaller quantities than two gallons?—Yes; as to spirits, there is a prohibition against selling less than twelve reputed quarts. That is a great inconvenience, so much so, that if it were carried out effectually the wine and spirit merchants could not carry on their trade. The law is evaded every day by every respectable wine merchant in the place.

1587. It is evaded in this respect, that they sell a single bottle?—They sell it, but if a person came in, and you had some question in your mind whether or not he was an informer, then you would not let him have it. The nobility and gentry who come down there for a month or so, order their three or four bottles of wine, or perhaps a dozen, and a bottle of brandy. You cannot refuse that sort of application, and tell them that you cannot sell less than two gallons of brandy, rum, or gin. I believe the visitors and gentry are utterly ignorant of the state of the law, and are astonished on their application to the wine merchant for a small quantity of spirits and bottled beer on being refused, and, I believe, nine out of ten do not know of the restriction, otherwise they would not like to ask it as a favour, and place a person in such a position.

1588. Are respectable houses ever informed against for selling this quantity?—Almost every house in Brighton has been informed against excepting ourselves. Up to this time we have been fortunate in not being so placed; we have been equally guilty, only we have been more fortunate.

1589. Mr. *Fitzroy.*] Are the penalties enforced?—Yes; there are four or five wine merchants at this moment under information for the same thing.

1590. But the penalties are mitigated?—Not under 12 *l.* 10 *s.* The penalty is 50 *l.* The bench, I believe, sympathise very much with the trade, but they cannot remit the penalty under 12 *l.* 10 *s.*

1591. Mr. *K. Seymer.*] Does part go to the informer?—Yes; I believe part goes to the informer. An appeal may be made to the Board, which has been the case recently by three or four merchants, and they have remitted it. They have taken a nominal penalty of 10 *s.* in two instances of two tradesmen; one of Messrs. Brown & Co., of Brighton, and the other Messrs. Tate & Co.; Messrs. Robins & Son were nominally fined 20 *s.* Some of them have been fined four or five times, and the fines have been remitted in this particular kind of way. But there are four or five others to be heard before the bench now, in which there will be possibly heavy fines inflicted.

1592. *Chairman.*] What you require is, an amendment of the law, enabling you to sell in single bottles; you do not wish to sell it to be drunk on the premises?—Certainly not.

1593. Perhaps you have that power now?—We have no power of that kind.

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1594. If a customer came into your place, could you not give him a glass of wine or brandy?—We could give it him, but we could not make any charge for it.

1595. Sir *G. Goodman.*] Did you not say that the lowest mitigation was 12 *l.* 10 *s.*?—Yes, but there have been cases where, upon application to the Board, they have been reduced to almost every description of nominal amount. I believe originally this restriction was placed on the trade in order to afford facilities to the Excise to take and keep our stocks. Our stocks are now not under the surveillance of the Excise at all, consequently that has become obsolete, becaus e it does not facilitate the Excise in keeping the stock at all.

1596. *Chairman.*] You say you are not subject to the Excise, do you not get your licence from the Excise?—Yes, but our stocks used to be under survey; that law was altered as to wine merchants some short time back, and their stocks are not placed under survey now.

1597. How did the not being allowed to sell anything under two gallons facilitate the inquiries of the Excise?—Because a correct quantity was thus kept; and there being not less than two gallons sold, there was a greater facility in checking the stock than by selling it in pints and smaller quantities.

1598. Are you aware of any other object for which that restriction was imposed?—Not at all.

1599. Was it for protecting any existing interest?—Not at all.

1600. Do you know the date of the law?—I do not.

1601. Was it ever the custom for the wine merchant to sell spirits in glasses?—I do not think it was; I have no recollection of it.

1602. Mr. *W. Brown.*] Can you move wine or spirits without a permit?—Any quantity of wine without a permit.

1603. That is, from your own depôt?—Any quantity of wine, not spirits. It would be in transit seizable if there was not a permit with the spirits. With wine there is no permit required. I wish to observe that we labour under this disadvantage as wine merchants; we pay ten guineas for a wine licence, ten guineas for a spirit licence, 3 *l.* 6 *s.* 1 *d.* for a licence to sell bottled beer in quantity not less than 24 reputed quarts, and two guineas for a licence to sell liqueurs. The hotel keeper separates his establishment, and erects a wine office the same as the wine merchant, and they have that privilege, at 16 *l.* 10 *s.* 8½ *d.*, which is the highest amount of licences that they pay, of selling to private individuals any quantity, drawing from the same stock that which is sent out of doors and that which is consumed in doors. We have no compensation for that advantage.

1604. *Chairman.*] Any person sending to an hotel can get a single bottle?—Yes, and so he can a hundred dozen of wine, or I believe twenty gallons of brandy, or forty gallons of rum, the same as the wholesale wine merchant; at the same time they can deliver out small quantities of spirits.

1605. Suppose a gentleman wants a bottle of brandy, if he sends to an hotel he can get it?—Yes, he can at the hotel; but there is a great objection to that; all our customers do not like to go to hotels. Sometimes we are compelled, having a suspicion that it is not a proper application, to refer them to the public-house, and it often turns out that they are really respectable people, and they say, "I cannot send my servants to the public-house; I lost one of my best servants through it before."

1606. Would the charge be the same from the hotel keeper as from the wine merchant?—I think it would be rather more than from the wine merchant.

1607. Mr. *W. Brown.*] Do you recollect the London Hotel; did the occupier of that pay as wine merchant and as hotel keeper?—In a house like that, when you wish to supply the trade you would take out an extra licence, and then you would be able to permit any of your goods into a publican's stock. Now, one publican cannot permit into the stock of another publican, but he can if he takes out this extra licence.

1608. That is, he can permit from his wine vaults into his public-house?—He can sell in bottle, or pints, or half pints, and by permit send his spirits to the stock of any other publican.

1609. Or a smaller quantity?—Yes; he can then sell any quantity.

1610. *Chairman.*] Do you represent this trade in Brighton?—Yes.

1611. Is your establishment confined to Brighton?—Yes.

1612. Are

1612. Are there many persons engaged in the trade?--There are about 14 keeping large stocks at Brighton. Mr. *R. M. Webb.*

1613. Sir *G. Goodman.*] You have spoken of the Excise survey; was the object of that to take an account of what went in, and what came out again?—Yes. 23 May 1852.

1614. That is not carried out now?—No.

Mr. *Samuel Saunders*, called in; and Examined.

1615. *Chairman.*] DO you reside at Brighton?—Yes. Mr. *S. Saunders*

1616. Are you in the same trade as Mr. Webb and Mr. Butler?—Yes.

1617. Have you heard the evidence which they have given?—Yes.

1618. Do you confirm them in every particular?—Yes, everything.

1619. Have you anything further to state on the subject?—I think not. I think there is a little inaccuracy of Mr. Webb's which I can put right, that is, with regard to the hotel keeper; he is not allowed to send out that quantity of spirits under his present licence.

1620. Mr. *K. Seymer.*] Do you mean the small quantity?—No, the large quantity.

1621. Might he to a private individual, although he might not to the trade? Not toa private individual.

1622. *Chairman.*] Might he send out a large quantity, and not a small quantity?—Yes; the small quantity, but not the large quantity.

1623. Mr. *Gregson.*] What is the limit?—One of our magistrates told me, that he had an idea that he had no right to send out anything under that licence.

1624. *Chairman.*] Every hotel keeper is a licensed victualler?—Yes.

1625. And every licensed victualler can sell spirits to any amount?—He cannot send out 40 or 50 gallons without taking out a ten-guinea licence.

1626. But with respect to smaller quantities, they can send them out?—I had an idea that they could; but Mr. Carpenter, one of our magistrates, said he thought they had not the power of doing it.

1627. Is it attended with great inconvenience to persons in your trade, the not being allowed to send out a small quantity?—Very great; I am not one of the fortunate ones; I am now being sued for penalties.

1628. You are tempted to evade or break the law by the constant applications you have?—For twenty years I broke the law with the Chairman of Excise, the late Lord George Seymour, and he ought to know the state of the law. I pointed it out to him; but he said, "You can send me two bottles of brandy."

1629. Then you have escaped for twenty years?—No, I have been fined once; I have been a very fortunate man. At one time the Excise used to come monthly and take our stocks, and if our stocks did not agree with the quantity of the permits that had been sent out we were liable to be fined either for an increased or a decreased stock. It was seizable.

1630. Mr. *K. Seymer.*] That was a precaution against smuggling?—Yes. Some two or three years back they took off the survey. In fact, Sir Charles Wood brought in a Bill to relieve us, but he got frightened at the powerful array of the London victuallers, who opened a committee-room over the way and frightened him out of it.

1631. So that the reason for the restriction no longer exists?—No, not at all.

Veneris, 27° *die Maii*, 1853.

MEMBERS PRESENT:

Mr. Villiers.	Lord Ernest Bruce.
Mr. William Brown.	Lord Dudley Stuart.
Sir George Grey.	Sir George Goodman.
Mr. Barrow.	Mr. Gregson.

THE RIGHT HON. C. P. VILLIERS, IN THE CHAIR.

Nathaniel Palmer, Esq., called in; and Examined.

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1632. *Chairman.*] ARE you Recorder of Great Yarmouth?—I am, and have been so for 17 years; and for the same number of years in the commission of the peace for the city of Norwich; and whenever I am in Norwich I make a point of attending as one of the magistrates at the police-office daily. I have always attended every licensing meeting during the 17 years, and very many of the meetings for the transfer of licences.

1633. At Norwich?—Yes.

1634. Have you done the same at Yarmouth?—No, I have no authority in Yarmouth to grant an alehouse licence; on the contrary, the municipal act excepts that from the authority of the recorder.

1635. Do you reside in Great Yarmouth?—No, I reside at Thorpe, near Norwich.

1636. Are you a magistrate for Yarmouth?—As recorder of Yarmouth I am. I have known Yarmouth from my childhood, and am acquainted with it exceedingly well.

1637. Are you equally well informed as to the practice of licensing at Great Yarmouth as in Norwich?—Not equally well, because I have never attended as licensing magistrate in Yarmouth, but I have for 17 years in Norwich, and am pretty well acquainted with the mode pursued there. I was the first recorder of Yarmouth under the Municipal Act in 1836.

1638. Are you of opinion that the licensing system works ill in some respects?—I think it works badly both for the morals of the people, for the good order of public-houses, and particularly in its restraint upon trade.

1639. Are you now speaking of the licensed victuallers?—Of course I am. We have no authority over beerhouses, except cognisance of offences committed in them.

1640. Upon what grounds have you formed that opinion?—I have formed that opinion, first, as to the trade. The present system has produced almost a perfect monopoly in the trade of beer. I can speak to that from inquiries that I have made, which I have reason to believe to be correct, into the number of public-houses at Norwich (I do not mean beerhouses); the number at Norwich, the number at Yarmouth, the number at Lynn, and the number at Ipswich. And in a number of those houses, which belong to brewers, and are in the hands of brewers, and in which the brewers have the sole monopoly of furnishing beer, they also compel their tenants to take of them the wine and spirits consumed in those houses.

1641. Then they are brewers and distillers?—No, they are not distillers, but they are dealers in spirits, and they compel their tenants to take spirits of them. I hold in my hand a return which I believe to be perfectly accurate, which was furnished to me by the licensing clerk of the magistrates at Norwich, and was gone over with him, as he told me, by one of the public brewers; I find that there are in Norwich 566 licences or certificates, I see they are called, granted by the magistrates every year.

1642. These

1642. These are renewed licences, not new licences?—Not new licences, but renewals. I find, on the licensing day, which was some day in September last year, there were 566 certificates granted. Persons who carry on the trade of wine and porter merchants have 51 of these licences.

1643. That is out of the 566?—Yes; I find that there are 15 wine merchants having retail licences, which are not alehouses at all; they cannot have a licence from the Excise to sell wine or spirits to be consumed on their premises, unless they have first one of these magistrates' certificates. The magistrates' certificate is the foundation of the whole; therefore a wine merchant who wants to sell smaller quantities than two dozen of wine, or two gallons of spirits, must come to a magistrates' meeting for a licence, and have that granted.

1644. How many are there of those?—They amount to 51.

1645. Those are what you call the wine and porter merchants?—Yes. I find that Mr. Seaman, who is agent to Messrs. Truman & Hanbury, has 45 of these licences as owner of the houses; he is a wine and spirit merchant as well. Mr. Norgate has two; he is a legitimate wine and spirit merchant. Mr. Frederick Brown has one; Mr. Morrison two; Mr. Cully one; and Mr. Bollingbroke one. Those are wine and porter merchants supplying public-houses. Then I find there are 15 wine merchants who have retail licences. The principal inns amount to nine in number, and therefore cannot be considered as alehouses. Then there are the confectioners, having six licences, because they sell cherry brandy; and they cannot have cherry brandy drunk on their premises without a certificate from the magistrates, and a licence from the Excise. I find there are 18 free houses.

1646. What do you call free houses?—The occupiers of houses who are free to deal in wine, spirits and porter.

1647. Without a licence?—They have a licence; but we call them free houses, because they are not tied to a brewer.

1648. Sir *G. Grey.*] May they get their supply from any source they please?—Yes; they may apply to any source they please for their goods. I find that leaves 454 houses which may be called alehouses, and 202 of those 454 belong to one firm of brewers, Messrs. Pattison, Morse & Finch; they have been absorbing two or three firms.

1649. *Chairman.*] What do you mean by "absorbing"?—They were originally two or three different firms; they have all now become one firm, and conduct their business at one brewhouse; so that there are 202 of those houses belonging to Stewart, Pattison, & Finch; which are tied to Stewart, Pattison, & Finch, to take their beer and spirits from them.

1650. Mr. *Brown.*] Good or bad?—Yes, I do not pass any opinion upon their beer. Then I find that there are 98 belonging to Young, Crawshay & Co. It was first Young alone, and then Crawshay alone; but those two have now come together. Then I find that Mr. Morgan has 55, and Mr. Bullard has 57. I should observe, that Mr. Bullard went through this list with our licensing clerk. Then Mr. Weston has 32, Mr. Arnold 13, and Mr. Clarke 5; and the other 18 are amongst seven brewers. That makes the 454.

1651. Sir *G. Grey.*] Are there no houses which you call free houses in that list?—Mr. Clarke is a small brewer, but of course the five houses are tied to him. Mr. Arnold is a small brewer, and he has only three; Mr. Tacon is a brewer at Eye, which is about 25 miles from Norwich, and he has only two houses; Mr. Dowson is a brewer at Geldeston, and he has only two; Mr. George is a small beer brewer, and he has only one besides his brewery; Primsome and Story have two, and Heigham and Bircham have two.

1652. *Chairman.*] Is that an accurate account of the property of brewers that is occupied by publicans?—Yes.

1653. Sir *G. Grey.*] In point of fact there is no public-house, commonly so called, in Norwich, which does not belong to a brewer?—Yes, there are 51 wine and porter merchants, and about 18 which do not belong to brewers; I have got this statement from the Excise. On casting up the numbers they would not agree; but it is so here. I have supposed that a house which takes out a licence to sell wines, spirits and beer is not a brewer's alehouse, because it is of a higher class and description. This is from the collector of Excise, and he says there are 557 persons licensed to sell beer, and that includes the parties who are licensed to sell beer, spirits and wine, and the parties licensed to sell beer and spirits.

1654. *Chairman.*] Who have taken out licences from the Excise?—They are

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licensed to sell beer; there are 105 out of the 557 who are licensed to sell beer, spirits, and wine.

1655. Now you are going back to those who receive the certificates from the magistrates?—These all receive certificates from the magistrates; they are to sell beer. There are three licences which the Excise grant. They grant a licence to sell beer on the magistrates' certificate; they grant a licence to sell spirits on the magistrates' certificate, and they cannot grant it without; and they grant a licence to sell wine on the magistrates' certificate, and they cannot grant it without. All these go and take out a beer licence. That includes the 105 who take out the three licences, and there are 342 who only take out the two licences of beer and spirits. Then 105 and 342 will make together 447, which being deducted from the 557, leaves 110, who take out no other licence than the beer licence.

1656. Sir *G. Grey.*] What is the object of their taking out a beer licence from the magistrates, when they might under the Beer-house Act obtain a licence from the Excise, without going to the magistrates?—Since I have been in the room I have looked over the evidence of Mr. Wood; but, if my memory serves me, I think the licence to sell beer under the magistrates' certificate is only a guinea a year, if the house is under a certain value; while the licence to sell beer, as a beerhouse from the Excise, costs three guineas.

1657. Mr. *Gregson.*] Do not many of the old public-houses go to the magistrates, and take out a common beer licence, and never go any further to get a spirit licence?—That is what I say.

1658. And those houses which have a magistrates' licence to sell beer are not under the same regulations as to visiting and hours which the beerhouses are?—No; a man who has a licence from the magistrates' certificate may keep open his house from 1 o'clock on Sunday till 12 on the Saturday night following, all the week long. That is one complaint against it; they also save their money. There are 110 of them in Norwich which have the beer licence from the Excise, and which might have a spirit licence, but do not take it.

1659. Lord *E. Bruce.*] Are these all in the town of Norwich?—Yes; there are 557 of them. This return is inaccurate, because it does not take in one or two of the hamlets of Norwich which are licensed by the magistrates. I have got 566 licensed, and I have only got 557 who actually have taken out their licences from the Excise. It is only about nine difference.

1660. Sir *G. Grey.*] What is the population of Norwich?—Rather more than 60,000.

1661. *Chairman.*] With what purpose do you state this; is it to inform the Committee as to the number of houses, and whom they belong to?—I wish to show that it is not because there are 566 public-houses in Norwich that the trade is free; it is not the number of public-houses that gives freedom to the trade.

1662. Will you state any evil that is connected with this system?—Yes; the public are obliged to drink the beer brewed by these people. I would further state, with regard to Mr. Seaman, who is the agent for Messrs. Truman & Hanbury, that he supplies Young & Co.'s houses and Mr. Weston's houses with London porter, and in return he ties his houses down to take Young & Weston's ale.

1663. How is it that other people cannot get licences. Are there more applications at such a time than those that get licences?—Yes.

1664. What proportion is there refused, and why are they refused?—Because every man has his friends; and you grant licences, or refuse them, without any rule of reason or discretion.

1665. Is that the result of your experience?—Yes.

1666. That there is no rule which the magistrates act upon?—Yes. You sit round a table, and you see magistrates come on that day that you do not see all the year round before; who never attend to the duties of the police or anything else.

1667. Can you state whether persons not connected with brewers do occasionally apply, and are refused?—A person may not be connected with brewers immediately, but have a connexion with the brewers' banker or others, who perhaps sit there as magistrates.

1668. Can you illustrate your view of the subject by stating some cases?—I cannot mention individual cases; I can only state what has been the practice. The magistrates sit round a table, and all the licences to which there are no objections are passed round. The first person would begin and sign it, and if the next gentleman did not like to sign it, he would pass it round and give no reason.

Then

Then it would go to the next, and so on; and then you would see whether it was granted or refused.

1669. Are there a certain number of magistrates required to be present?—Only two.

1670. How many are necessary to give a licence?—The majority present; some will come and sign a licence, and then walk out.

1671. Is there any communication with the magistrates before they attend?—The first time I ever attended as a licensing magistrate, I found stuck in my hand a list of houses from the brewers, containing those which they thought ought to be granted, and those which they thought ought not to be granted. I expressed my surprise at such a course being adopted, and it was discontinued. Before the licensing day, it is not unusual for magistrates to ask one another, "What do you think? Shall we grant any licences this year"?

1672. Before they meet?—Yes, at their club-rooms, or police offices.

1673. Are there generally meetings of the magistrates before the day for licensing, for the purpose of considering what licences shall be granted?—There are not meetings of the magistrates before the day for licensing, for the purpose of considering what licences shall be granted; but they meet one another.

1674. Accidentally?—Yes.

1675. Not for the purpose of considering the subject?—No; but suppose I meet you at a club to which you and I belong, and I say, "We are going to license to-morrow." "Yes." "What do you think; shall we grant any new licences"? My answer has generally been, "We will hear what the people have to say, before we refuse them." Perhaps you might say, "I think there are plenty of houses; why should you grant any more?" Then, of course, we meet, and we know the colour of a man frequently at once. It is impossible, from the nature of mankind, to intrust a discretion of that sort, where there are no rules to guide that discretion.

1676. Sir *G. Grey.*] Do you mean by "knowing the colour of a man," the political colour?—Yes; whether he voted for Mr. Peto, or whether he voted for Douro. I am unfortunately isolated from all these great people; I do not move much amongst them; I hold very extreme politics on these kinds of things, and they know that I have always supported free trade, and they are very cautious in saying anything to me on the subject, because they know which way I should go.

1677. *Chairman.*] When you first began to act, was this the practice?—Yes.

1678. And it was suggested to you that some ought to be licensed, and some ought not, without stating any particular reason for it?—Yes, about 10 o'clock, we meet round a table, and we have 566 times to write our names; we meet at ten, and they are all signed by one o'clock. Perhaps the police sometimes say that a house is a disorderly house, and ought not to be licensed. Then we throw it on one side till one o'clock. At one o'clock the new licences are taken into consideration, and then you have the room filled.

1679. What do you do with those houses which the police report as being disorderly?—At one o'clock, when the room is full, it may be said by a policeman, "That house is disorderly;" I have always said, "Have you laid an information against that house?" "No." Why have you not?" "I do not know." Then I have said, "I shall not take a man's licence away from him unless he has been convicted." The Act of Parliament says that a man for the first offence against the tenor of his licence shall be fined so much, for the next offence still heavier, and for the third offence forfeit his licence, and be disabled from holding a licence. I say, "Now first lay an information against that man, and, if he is convicted, then I will refuse his licence." Then it goes to the vote. Many think that the police are to be depended upon, and the man's licence should be refused. Then, perhaps, it may be a brewer's house, and you have the brewer, or the brewer's clerk, in attendance, and he says, "We hope, Mr. Mayor, you will not take the licence away; if you will just let him have it we will change the tenant; if this man does not get the licence, the house must remain unlicensed for a twelve-month." Then we say, "We will grant you the licence upon condition that you get another tenant;" and the licensing clerk holds the licence until another tenant is got; but we never find that the character of the house changes with the tenants. A house which has been of a bad character for years, whatever may be the change, continues of the same character.

1680. You say the licence remains with the clerk; does the clerk consider himself who the tenant should be?—Pretty nearly; we are always being teased

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by certain societies, who say, "You have got too many public-houses, reduce the number; here are some of a bad character." I have said these things are left generally to the brewer's clerk to manage; and I have proposed, "Do not let us transfer the licence to any person unless the brewer certifies in writing under his own hand that he has inquired into the character of the applicant for the tenancy; and that he believes him to be a person every way fitted to conduct the house. We have had those certificates under the hands of the brewers, but we have never found they were of the slightest avail.

1681. Sir *G. Grey.*] The licence contains the name of the person who is to hold the licence?—Yes.

1682. And does the clerk of the magistrates fill it up afterwards?—No.

1683. In what way can the clerk of the magistrates select the tenant who is ultimately to hold the licence?—The clerk to the magistrates does not select the tenant, the brewer selects the tenant; but as these tenants are nine times out of ten men of no property whatever, or no character whatever, they are in the brewers' hands, and they must consent to transfer the licence to whom the brewer pleases.

1684. The licence is made out to A. B., for instance?—Yes.

1685. And you say that A. B. does not receive it, but that the clerk retains it till a new tenant, whom we will call C. D., appears?—Yes; and A. B. consents to the transfer to C. D.

1686. Is C. D. in any way approved by the magistrates as the person to hold the licence?—They bring a certificate from the brewer, such as I have mentioned to you, which states that he has inquired into his conduct; and on that the magistrates consent to transfer to the new tenant.

1687. And is there any indorsement on the licence, or anything on the face of the licence to show the transfer?—Yes, there are six transfer days in the year on which the transfers are made, and on one of those days the transfer is made.

1688. Is it not the case that the magistrates ultimately approve of the tenant who is to hold the licence, just as if he had been the party applying on the licensing day?—Yes; but then the licence is annexed to the house, to the bricks and mortar, instead of the man, which is what I complain of.

1689. *Chairman.*] When they come to renew these licences, you say occasionally a policeman reports against a house; do the magistrates make any inquiry as to the way in which all the houses have been conducted as to which they are renewing the licences?—No.

1690. Is there any inquiry, as far as you know?—No; I do not believe, out of the 500 houses, there is one per cent. of convictions in the year for disorderly conduct.

1691. On whom does the information depend; do you rely on the police?—Yes; if a policeman sees a house is improperly conducted, it is his business to lay an information.

1692. How are the police appointed in Norwich?—By the corporation under the Municipal Act.

1693. Is it their duty to inquire into the way in which these houses are conducted, and to lay informations against them if they see any disorder?—Yes; there are certain houses which are known to be the resort of bad characters and thieves, but all those houses are perfectly well conducted; there is no outbreak in them.

1694. How are the police appointed; are they appointed by a committee of the corporation?—By the watch committee.

1695. Is there any restriction as to the persons who shall fill the office of watch committee; are brewers precluded from attending?—Brewers form a part of the corporation.

1696. May they be on the watch committee?—I know nothing to prevent them; the town council appoint a number of committees for conducting the business of the corporation, and I think one of the committees expressly directed by the Municipal Act is the watch committee, and that watch committee names all the policemen.

1697. Are there any brewers in the corporation?—Yes.

1698. Are there any brewers on the watch committee?—Mr. Young is in the corporation, and Mr. Bullard is in the corporation.

1699. Are you sufficiently acquainted with the corporation to say, whether there is any rule to preclude brewers from being on the watch committee?—Certainly not; I never heard of any.

1700. And the police may be removed or promoted according to the discretion of the watch committee?—Exactly so; the magistrates have no power of appointing any police in any borough town. The magistrates have the power of suspending or dismissing the police, but not of appointing them.

1701. A policeman would know that he might offend a brewer who was on the watch committee, if he reported against his house?—I do not know about that.

1702. Are the police independent in this respect?—I do not know whether there are any brewers on the watch committee; if a brewer is on the watch committee, he appoints the policeman.

1703. Are you surprised at the few informations that are laid against these houses?—Yes, from my experience I believe the worst houses are the quietest houses; they will not call the police into them.

1704. Sir *G. Grey.*] Do you think the constitution of the watch committee at Norwich or Yarmouth prevents the police doing their duty as they ought to do with regard to public-houses?—I cannot answer that question.

1705. Have you any reason to believe that it does interfere with the discharge of their duty?—I have no reason so to believe.

1706. *Chairman.*] Are these houses ill conducted, although you do not receive evidence against them?—I believe many of these houses are ill conducted, inasmuch as they may have improper company, which is a very difficult question to deal with.

1707. Do they offend against the tenor of the licence?—No, I do not think they do.

1708. But, on the whole, you think these houses are well conducted?—There may be a number of these houses where people go to late at night, and where women of bad character and thieves resort; but you do not hear of any breaches of the peace, or very rarely.

1709. Is it not against the tenor of the licence to harbour disorderly characters?—Then, who are disorderly characters?

1710. You say there is a notoriety about the customers of some of these houses?—That is the question. Is a prostitute not to have meat and drink if she behaves quietly?

1711. Then the magistrates at Norwich do not consider that the harbouring these sort of people is against the tenor of the licence?—If you ask my opinion as a lawyer, I cannot tell you. I should be very loth to say, because a woman has lost her chastity, that she is not to be fed.

1712. Is it not distinctly against the tenor of the licence that these people are not to allow disorder and drunkenness?—If there is an information for drunkenness, then we fine them; or if there is an information for gaming or card-playing, they are fined; but those informations are very rare indeed.

1713. Do you find complaints from other inhabitants, persons who do not lay informations, but who allege that a great deal of immorality is produced in these houses?—We have had complaints of that sort; and I remember, during the lifetime of the late Bishop Stanley, a deputation waited on the magistrates on licensing day, from some society of which he was president. The spokesman of the deputation was the late Mr. Joseph John Gurney, and he waited on us on the morning of the licensing day; and their complaint was, that there were so many public-houses in Norwich, and that there was great immorality amongst them. I asked Mr. Gurney to be kind enough to point out those houses, and told him if they were conducted as brothels there was ample power to put them down; the overseers of the parish were bound to be prosecutors; and I pointed out one house which had been so put down. I also told him to recollect that he knew the concerns of many of these brewers as their banker; and the moment we began to touch the public-house licences, there would be an outcry that we were touching property, and that it was a very delicate thing to do; and particularly to interfere in these matters without information upon oath, and without the persons who were accused being put on their trial to hear what was alleged against them, and then being put on their defence. But I got rather warm, and I said, "Mr. Gurney, you come here from the Bishop. Tell the Bishop that many of the owners of these public-houses, who know as well as you do the way in which they are conducted, are gentlemen received at his table; let him say he will not receive them any more till these houses are put down, and you will put that down by moral influence which the law cannot do."

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1714. You have stated that Mr. Gurney attended to complain that these houses were the cause of great immorality?—Yes.

1715. Did he give any ground for that opinion?—He did not single out any one house; it was a general statement; and my reply was, "Only adduce an instance, and we will proceed and put them down; but I do not see the justice of taking the livelihood of people away from them on mere surmise or assertion, without putting them upon their trial."

1716. You referred him to the fact, that many of these houses were in the hands of most respectable people, who kept accounts with his firm?—Yes; Messrs. Stewart and Patteson had 202 of the houses, and Young, Crawshay, and Co., and Mr. Bullard; all of them were houses of that description.

1717. Sir *G. Grey.*] You have stated that 566 licences were granted on the last licensing day at Norwich?—Yes.

1718. How many were new licences?—Only four or five, I think.

1719. Has there been any considerable increase in the licensed public-houses in Norwich in the last three years?—Up to 1836 you could not get a licence; it was always a matter of jobbing as to the licences. Then new magistrates were appointed, and we had the majority; and we gave a great many new licences.

1720. What do you mean by "we"?—Why, our party.

1721. Your political party?—Yes, our political party gave them; these great brewers were on the other side, but we found that the great brewers had absorbed almost all the new licences that we granted.

1722. After you had granted licences to the houses, the brewers bought the houses, or acquired a property in them?—Yes.

1723. Has there been, since 1836, any considerable increase in the number of licensed public-houses in Norwich, and has that increase been progressive?—I am speaking now merely from memory; I should think about forty.

1724. Since when?—Since 1836, from 40 to 50.

1725. Of the 566 you think only 40 or 50 is the increase since 1836?—Yes.

1726. Have the applications during that period for new licences been very numerous?—Yes.

1727. How many applications last licensing day were made and refused?—I cannot tell; I think there were about five or six granted.

1728. Were there many applications that were refused?—Yes, twice as many refused as granted.

1729. Do political considerations now enter into the motives which influence the granting of licences at Norwich?—Yes, political and private.

1730. You stated that, after the passing of the Municipal Act, the party to which you belong granted licences to the supporters of that party?—Yes.

1731. Does that still continue in Norwich, and do political considerations govern magistrates in granting licences?—I think they do. Before the Municipal Act passed, the majority of magistrates were Tories; they had the majority in the corporation. After the Municipal Act passed, there was a commission of magistrates; before the Municipal Act, aldermen who had passed the chair were magistrates for life. Then there came a new commission, and in that commission the Whigs had the majority; and, of course, some of our friends who had not got licences before, got them then.

1732. *Chairman.*] Now you have stated that a somewhat irregular influence determines the granting of licences, what are the evils which you think result from that, as to the quality of the beer, and as to the morals and conduct of the people?—You are giving to those five or six brewers the supply of the beer and spirits of the city; you have more public-houses than can fairly live. They are kept up to the present number, because when a brewer gets a licence he regards it as property, and the giving up of the licence he regards as the giving up of so much property.

1733. You have proved to us that there is a practical monopoly, but we want the benefit of your experience to show what are the evils in Norwich resulting from this monopoly; is the beer bad, and are these houses ill-conducted on that account?—I should think myself very awkwardly situated by being obliged to drink a pint of their beer. If I want any beer, it must be home-brewed beer, as I get it from Romford, from Ind and Coope.

1734. Have you any return of the quantity that is sold?—No, I never drink anything but a couple of glasses of beer at dinner; I should be very sorry to drink any of their beer. I find, out of 454 houses, 113 of them changed tenants during

during the year. There are different tenants in at the end of the year to what are in at the beginning.

1735. Sir *G. Grey.*] Was that so last year?—Yes.

1736. *Chairman.*] In all those cases was there a transfer of the licence?—Yes.

1737. And they appeared before the magistrates on the transfer days?—Yes; I find that two of them had three different tenants in the year; 27 of them had two different tenants in the year, and 84 of them changed tenants once in the year.

1738. What is the inference you draw from that?—That all these people are men of no property.

1739. Do you mean the original persons to whom the licences were granted?—Yes; they go in, and take the fixtures of the preceding tenant; they have credit for them with the brewer, and during this time they are generally sold up.

1740. Do these people not pay what they have undertaken to pay when they first go in?—They have the fixtures of the preceding tenant, and they enter into an agreement with the brewers to pay them a nominal rent of 6*l.* or 8*l.* Perhaps I should tell you that there was a practice 17 years ago, and which we have not got rid of yet, to allow no man to take a public-house who was not a settled inhabitant of the city of Norwich; and as no man obtains a settlement unless he rents a house of the value of 10*l.* as a yearly tenant, and occupies for the year, he must pay a rent to the extent of 10*l.* in order to get the licence. They used to agree for a quarterly rent at something under 10*l.* a year, and then they made up the rent by charging them an additional price per barrel on their beer. I have been told the difference between a free house and a house tied to the brewers has been as much as 6*s.* per barrel.

1741. Is it the result of their being men of no property, when they first come in, that they make improvident agreements with the brewers?—Yes; then the house will not pay.

1742. Sir *G. Grey.*] It is a bad business altogether?—No, because they make the living pay for the dead; and you will recollect that this is the state of not only the city of Norwich, but these brewers extend their arms to the villages, where we have no control, and where you cannot get a licence in the country parishes.

1743. It is a bad business for the tenant of the house?—Yes.

1744. *Chairman.*] He is nothing more than the servant of the brewer?—Nothing more.

1745. Sir *G. Grey.*] Does he sell the beer on commission, or does he buy the beer, and sell it for what he can make of it?—The beer is sold to him by the brewer.

1746. Does he buy it of the brewer, and then sell it by retail, and make what he can of it?—The brewer supplies the man, and he has to pay him so much for it.

1747. *Chairman.*] The publican, you say, pays 6*l.* or 7*l.* for premises good enough for a licence?—Yes. I am told that these 454 houses might, if they were brought into the market as buildings, average from 200*l.* to 250*l.* each.

1748. Mr. *Brown.*] Do the brewers take any security from these parties, any bond, and then become possessed of all their fixtures?—They do it thus: for the rent a brewer has a remedy by distress; and what the man pays he will carry to the beer account.

1749. *Chairman.*] Do you mean as landlord?—And then he will go and distrain for the rent.

1750. When a transfer is made, and a new man is put in, is there any agreement between the old occupier and the new comer, or is it done, entirely done, by the brewer?—It is done entirely by the brewer, but it cannot be exactly all done, because there must be a form of transfer from the former tenant to the new tenant, or his consent must be obtained.

1751. Is there any sum paid for good-will by the person who receives the transfer?—No.

1752. Sir *G. Grey.*] Then you do not know the practice of selling licences at Norwich at all?—How do you mean?

1753. The Committee have been informed that large sums are received for obtaining licences at Liverpool and other places; does that practice exist at Norwich?—

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wich?—The value of the building is 200*l.* or 250*l.*; you may put 200*l.* as the value of the licence, and so the licence is paid for.

1754. *Chairman.*] But these premises belong to the brewer?—Yes.

1755. Then is it the custom at Norwich, that the person who comes in has to pay no more than his predecessor?—Perhaps some 8*l.* or 10*l.* for gas, for fixtures, and pots, and things of that sort; it is not very much; I should say never more than 20*l.*

1756. Does he not inquire what the custom is?—Of course there is a valuation which passes between them.

1757. Is any practice resorted to for the purpose of making the good-will to appear better than it is, or to swell the custom just previous to the transfer?—No; if I want a public-house I go to the brewers and ask what is the rent; they say 8*l.* a year; and I ask, "What do you charge me for the beer?" That is the way the rent is made.

1758. We have had statements made here, that when people have in contemplation to sell a licence, they get concert and other rooms annexed to their houses, to attract customers, and thus make the licences more valuable?—We have nothing of that sort.

1759. State any other evil which results from this sort of monopoly on the part of the brewers; they put in people without property, and without much regard to character?—Yes; and by this system of having public-houses as their own, they charge the public a higher price for their beer. I am the owner of a free public-house, tied to nobody, and the brewer will charge me 6*s.* less for the beer than he would a man who is his servant. The beerhouses which are licensed under the 1st Will. 4, get their beer from the brewers of London porter. Ind and Coope, for instance, would not think of establishing a brewery at Norwich, unless they could have the sale within their own control and discretion. It would not do for them to be open to the discretion of the magistrates in the granting of the licences.

1760. Do you believe their beer to be inferior to that sold at a free house?—I have not tried their beer. I should not think it is inferior. The free houses sell London porter. This man, Seaman, does a great deal for Messrs. Truman and Hanbury. We have other people who sell a good deal for Whitbread, and others who do a good deal for Barclay. But not one of these people can establish a trade in Norwich without the leave of the magistrate.

1761. Do you believe the beer would be better, if this system were altered?—Yes; It would be open to competition, and then they would be obliged to sell as good an article as their neighbours.

1762. Would the houses be better conducted if there was more regard to the character of the person who first received the licence?—If the parties who had the licence had a *bonâ fide* interest in the licence, they would take care to conduct themselves properly; and having some little capital, which they must have to take a house, they would be people of a different grade and station in society to what they are now.

1763. Has a brewer any interest in putting in a person of good character, or may not his interest be as great to have a man of low character who would attract people to drink more?—The brewer's interest is to attract people to drink his beer.

1764. He has no particular interest in having a person of good character?—No; his interest is to increase the consumption of his beer. If he can do that, it does not matter to him whether a man has a good character or a bad character.

1765. Is there any other evil that follows from this monopoly?—I have shown that the parties are tied up for their spirits and wine, as well as their beer. I have shown, however respectable brewers may be in themselves, they have not a proper care over their public-houses when they come to be conducted by others. And when you compel them to confine their trade to beer alone, they must make all their profit and living out of the beer; whereas, if you allow them to join spirits and wines with it, they have other articles on which to fall back, and on which to charge their profits. I have got a return here, which probably will enable me to answer some of the questions which were put to me before, as to the new licences granted since the Municipal Act passed up to the present time.

1766. Do you know the number of houses that have been licensed for the sale of beer only in Norwich?—Seventy.

1767. Are

1767. Are there only 70 beerhouses in Norwich?—No; the beer retailers under the 1st of William the Fourth are only 70.

1768. As a magistrate, can you say what the conduct of these houses has been; have there been many informations laid against them, or many convictions?—I believe there have been some few complaints made against them for opening before 12 o'clock on Sunday, but I never heard of any complaints of bad conduct; there may have been, but I have not heard of them.

1769. Sir *G. Grey*.] Have you any similar information with respect to these beerhouses as you have given to the Committee with respect to the licensed public-houses?—No, I cannot tell you anything about their character.

1770. Are you able to state to the Committee what number of those 70 beerhouses are the property of brewers, and what number are what you call free houses?—I should think none of them are the property of brewers, because the brewers will not trouble themselves to have property in a beerhouse.

1771. Then they are all free houses?—I should think they are; that is to say, they are free in not being compelled to take their beer of a particular brewer.

1772. Is the beer of a much better quality than the beer sold at licensed public-houses?—I should think most of them are sellers of London porter and other beer, but their great trade would be in London porter.

1773. You have said that the beer sold in the licensed houses is bad?—I do not say it is bad; I say I never drink it.

1774. Is there any difference of quality in the beer sold by the licensed victuallers and that sold by persons licensed as beerhouses?—I cannot tell that; they mostly sell London porter.

1775. *Chairman*.] Do you know anything about these beerhouses?—No, I know nothing about the licensing of them.

1776. But as to the conduct of them, have you ever heard much complaint made?—I have heard no complaints made of beerhouses, except that of opening too early on Sunday, or being kept open beyond the proper hour on Saturday night.

1777. Then you do not know that these people are put in by brewers?—I do not know anything about them.

1778. They might be the servants of brewers as much as the others?—Exactly so.

1779. But you do not remember many informations being laid before you, as a magistrate?—No.

1780. Is there a stipendiary magistrate at Norwich?—No; we have not sometimes one hour's business in a day at Norwich.

1781. Mr. *Brown*.] Have you any reason to believe that the beer or porter, after it finds its way from the brewer, is deteriorated?—I know nothing about that.

1782. Sir *G. Grey*.] You have stated that you do not think it worth the while of the brewers to get possession of these beerhouses; and you said also just now that, of the 566 licensed houses in Norwich, the large number of 80 obtained a licence only to sell beer?—I say that out of the 454, 110 do not take out a spirit licence.

1783. They have merely a beer licence?—Yes.

1784. And that the object of going to the magistrates for the certificate to enable them to get the licence, rather than going to the Excise, was, that they save two guineas in the price of the licence, and they were not subjected to the same restrictions as the beerhouses?—Yes.

1785. You said also that these houses were all the property of brewers?—Yes.

1786. Why should the brewers be desirous of holding property in those houses, and think it beneath their notice to acquire property in beerhouses?—If they bring these houses into the market they will get 450 *l.* for one of them instead of 250 *l.*

1787. Then it is better property?—Yes.

1788. Mr. *Brown*.] All that a beerhouse has to do is to come before the magistrate and pay 2 *l.* 17 *s.*, and he gets a certificate of having paid that sum, and he goes to the Excise and gets his licence as a matter of course?—He does not come to the magistrates at all; he goes at once to the Excise.

1789. You were speaking of the police: do not you think, inasmuch as the watch committee and corporation are composed partly of brewers and partly of

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owners of houses, that the police, knowing that, would be somewhat afraid of giving information against those houses from a fear of injuring those who employ them?—That is a question that I cannot answer; here are 566 votes at the municipal election.

1790. Mr. *K. Seymer.*] Do you know whether the brewers make any arrangement with their tenants as to the maximum price at which they shall sell their beer?—I always understood so; the price is the same at all the houses.

1791. But the object of the brewer is to make him sell it cheap?—Not if he can get a greater profit on a smaller quantity.

1792. He sells the beer at a certain price to the publican; and then the publican, having the monopoly of selling spirits and wine, on which he makes a large profit, sells his beer very cheap; is not that the case?—I do not know what he sells his spirits at.

1793. The number of persons who can sell wines and spirits is limited by the licences granted?—The number of persons who live in Norwich by selling beer, wine, and spirits, is 105.

1794. Sir *G. Grey.*] Is there much drunkenness at Norwich?—If people are walking about on Saturday night there is improper conduct; but I do not hear that there is any complaint of drunkenness.

1795. Do you think the present system has led to great intemperance?—No; the habits of the people have so much altered, that many of the houses sell ginger-beer and soda-water.

1796. The habits of the people have altered in favour of temperance?—Yes; according to my observation there is not so much drunkenness as there used to be. People now do not come to the tea-gardens on a Sunday, but they go down by the railway.

1797. You knew Norwich before the Acts passed which authorised the sale of beer in what are called beerhouses?—Yes; I have known Norwich all my life.

1798. Has there been any great increase of drunkenness since the Acts passed, and since these beerhouses were established?—Although I have known Norwich all my life, I have not known it intimately except for the last 17 years.

1799. Have you any reason to believe that the passing of those Acts has led to increased drunkenness?—Certainly not.

1800. Notwithstanding the opening of those houses, you think drunkenness has decreased?—Yes.

1801. And notwithstanding the increase, also, which you before mentioned, of the number of licensed public-houses?—Yes; I do not think that has anything at all to with it.

1802. Mr. *Brown.*] Would those houses be more respectably conducted if they were compelled, on going for their licence, to give a bond with two sureties; and in the event of the licence being taken away, their securities to be forfeited?—I think, before the passing of the 9th of George the Fourth, that was the practice. When a licence was granted, the man to whom the licence was granted attended before the magistrates, and they entered into recognisances. I think that was so, but that was before I was a magistrate.

1803. But inasmuch as we have reason to believe that those bonds were rarely put in suit, would you make it imperative that the magistrate should put them in suit, and recover the money?—If a man is brought before a magistrate, and he is fined, you levy the penalty on him by distress, and his goods are sold, or he goes to gaol till the money is paid.

1804. But that penalty is limited?—And the bond is limited to that penalty.

1805. *Chairman.*] Does the publican enter into a bond now?—No, he used to do so.

1806. What happens now if he is fined and cannot pay?—He sends him to gaol; but they always pay.

1807. They have no sureties whatever?—No.

1808–9. Sir *G. Grey.*] Is the penalty paid by the occupier of the house, or by the brewer, who is the owner of the house?—If a man is in that desperate state that you are obliged to levy on him, no doubt he is in debt with his brewer; and therefore, if you take his goods to pay the penalty, the brewer cannot get his money from the goods; therefore the brewer pays it.

1810. But the brewer does not pay directly?—No, not directly.

1811. Mr. *Brown.*] Do not you think you would secure a more respectable class of

of dealers if the bond was pretty heavy, and if the character of the individuals who became bondsmen was previously ascertained?—I think you cannot make men moral by law, you must make it their interest to be so.

1812. Would you exclude persons of bad character from giving bonds?—Yes; a man, unless he is in the lowest depths of degradation, would have no difficulty in raising 10*l.* or 15*l.* for a penalty of that sort.

1813. But suppose you make it 100*l.*?—That would be a sort of law as to which people would say the punishment exceeded the offence, and you would hardly find people to enforce it.

1814. *Chairman.*] The brewers in Norwich are among the most respectable firms in the city?—There is one firm with 202 public-houses; and if you average them at 450 *l.* a piece, which is the lowest farthing, it would amount to a very large sum. There is another man with 98, another with 55, another with 57, and another with 32. Mr. Weston is one of the most respectable men in the city; but he takes it easy and does not push his business, and yet he has some very nice respectable houses.

1815. And those are the persons interested in maintaining public-houses in Norwich?—Yes; there are four firms who have a great number of houses in Norwich.

1816. You stated that many of them were members of the corporation. Do you mean to say they are magistrates, or take any part in granting the licences?—The Act of Parliament says that no relation or partner of a brewer shall act as magistrate; but it is very difficult to say what is a partner. Mr. A. is a member of a joint stock bank, or he is the chairman of a board of directors; Mr. B. is a magistrate, and he is one of the directors; is he a partner, and can he act? You may go through the whole bench of magistrates in that way. Mr. H. is a magistrate, and he is a banker.

1817. Sir *G. Grey.*] You have stated that political considerations at Norwich have at times entered largely into the motives which have influenced the granting and withholding of licences?—Yes.

1818. Do not considerations of other kinds also have weight; the brewers influence the magistrates, to induce them to grant or to withhold licences?—I think they have this sort of influence; being engaged in trade and meeting them every day at parties, whist clubs, and so on, and talking the thing over.

1819. *Chairman.*] If any evils arise from these public-houses in Norwich, the respectable part of the community have it in their own power to check them?—Yes, Mr. Stewart, Mr. Young, Mr. Bullard, and Mr. Morgan have it in their own hands, because they are the owners. There are many vices which the law cannot check, but which the displeasure of good men towards it can check. You cannot check them by law, unless you have what I hold to be the worst kind of tyranny, discretion.

1820. Is it the opinion of the magistrates that the beerhouses should be subject to their discretion?—We have a greater supervision over the beerhouses than we have over the public-houses.

1821. I mean as to the granting of licences?—I was talking with one of the magistrates the other day, and he said, "I hope we shall have no more to do with these licences," and I said I hoped so too. It is the most unpleasant day's work I do in the year.

1822. Is it not the opinion of the magistrates, that beerhouses should be subject to their power in granting licences?—No.

1823. Mr. *Brown.*] Suppose you gave a licence to every individual who bore a fair character, and who had never been convicted, would you give the magistrates summary power to take away that licence in case of impropriety; would not that relieve the magistrates from the very onerous duty which they now have to perform?—If they had no power of granting the licences, there could be no imputation of favouritism; and if you made the licences granted by the Excise subject to a refusal on an offence against the licence being proved, on conviction before magistrates, I think you would have a great tie for enforcing good order in those houses, or such as you can expect to have in any house whatever.

1824. Sir *G. Grey.*] Is that the remedy which you propose for the evils which you think arise from the present monopoly?—Yes; the remedy I propose is, to let a man sell wine, beer, and spirits as freely as you do tea, sugar, or anything of that sort. Let him be under strict police regulations as to the time of opening and closing his house, and as to the company he shall have in it. I have no doubt

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Messrs. Stewart & Co. would sell 100 of their public-houses to-morrow, if it were not for the consideration that every licence is a property.

1825. Do you think the effect of that in Norwich would be to increase the number of public-houses?—To decrease them.

1826. If the effect would be to decrease them, how could you prevent the diminished number from falling into the hands of the great brewers?—I would let every man have a licence who wanted it.

1827. But if the number should become smaller than it is now, how would you prevent what has taken place before; after the passing of the Municipal Act, you said you gave licences to persons unconnected with brewers, but after they got the licences the property was acquired by brewers; how would you prevent the same result taking place if the trade were thrown open?—There would be no property to acquire.

1828. *Chairman.*] If a brewer or his agent got more than the average amount of profit on that business, somebody else would come in?—Yes; Ind and Coope would come, or somebody else. The London porter brewers are obliged to force their trade in the country now by getting these licences.

1829. Have you ever considered what regulations you would submit these houses to, supposing the trade were thrown open?—I think the regulations of the present magistrates' certificate would be quite sufficient.

1830. If that were strictly enforced, it would be quite sufficient?—Yes.

1831. Mr. *Brown.*] Supposing a person sought to establish a little public-house on the side of a hill, or in a situation where there were no inhabitants to support it, or that he wished to plant a house by the side of a gentleman's premises, with a view of compelling that gentleman to buy him out, would you think it expedient that the parties who feel aggrieved by such a measure should have the power of applying to the magistrates against it, and if they were dissatisfied with the magistrates' decision, that they should again have an appeal to the quarter sessions?—I think no person would establish an alehouse in a situation that did not answer his purpose; and as to the inconvenience of a gentleman having an alehouse planted next his property, that is an inconvenience that we must all suffer in civilised society.

1832. Sir *G. Grey.*] You said that you can exercise a greater supervision over beerhouses than over public-houses; what is the greater supervision?—The closing of them at night.

1833. The law requires that they should be closed at ten o'clock at night?—Yes.

1834. What greater power of supervision have you over beerhouses?—Only that, by the law, a police constable has the power to enter one of these houses at any time.

1835. Whether public-house or beerhouse?—Yes; the difficulty is in obtaining a conviction against a beerhouse for selling beer after the prescribed time; is in showing that the beer which the policeman finds standing on the table being drunk was drawn after the time; because they will say it was drawn before twelve o'clock, although we are drinking it after.

1836. Does it occur to you that increased powers can be given to the magistrates or the police with a view to secure orderly conduct in beerhouses?—No.

1837. Do you think the present powers amply sufficient if they are fully enforced?—Yes.

1838. Have the police the power of going into these houses to see whether disorderly characters are assembled in them?—I understand it is one of their printed regulations.

1839. Mr. *Brown.*] Are you aware that the police, under the present Act of Parliament, cannot go into a house to assist a landlord to clear it unless the landlord gives the parties into charge?—I have read that in Mr. Wood's evidence; but if I were a publican, and a man were to say, "I will not go out of your house," I should call in a policeman, and order him to go out; if he did not go, I should think the policeman quite justified in assisting me.

1840. *Chairman.*] Do you think that the landlord ought to have the power of calling in a policeman to assist him in clearing his house?—Yes.

1841. Sir *G. Grey.*] You think they have that power now?—Yes; they exercise it whether they have it or not.

1842. Is the present police force sufficient for the population of Norwich?—Yes, we cannot call ourselves a city of great crime.

1843. Lord *D. Stuart.*] How many does it consist of?—I think about eighty. I have no power over the appointment of them, therefore I know nothing about them.

1844. *Chairman.*] Have you as much experience of Great Yarmouth as of Norwich?—No, I have not as much experience, because I have not acted as magistrate there.

1845. Has your experience in Yarmouth tallied with that which you have stated as to Norwich?—I would rather give you figures on that subject. This is a letter from Mr. R. Hammond, jun., who is one of the magistrates of Yarmouth, and he states this:—"There are 182 public-houses in Yarmouth having certificates from the magistrates; of those there are 105 brewers' houses; 41 of them being the property of Sir E. Lacon & Co., 47 of them being the property of Stewart & Co., (that is the Norwich firm), and 17 of them being the property of Ferrier & Son; that is 105 brewers.'" He says, "other monopolies about 23; free houses 50;" that includes all the inns and so on, making a total number of 182. Then he says: "In 1835 there were 143 licensed houses. In 1836, two were granted; in 1837, one; in 1838, three; in 1839, twelve; in 1840, six; in 1841, five; 1842, none; 1843, two; 1844, none; 1845, none; 1846, none; 1847, none; 1848, none; 1849, two; 1850, six; 1851, none; 1852, none; making a total number of 182." Then he adds this:—"In 1838, 1839, and 1840, the Whigs had the majority of magistrates; beerhouses, 45." Then he says, "On the other side I send you an analysis of the licensed public-houses, and the quantity licensed since the Reform Bill passed; you will perceive that Lacon & Co. and Steward & Co. have a great preponderance, and a great many of them are of the lowest and worst description; fiddling, dancing, and whoring all night long; but, from the interest the parties have on the Bench, little or nothing is said on the licensing day; indeed the magistrates are drummed up on that day to prevent any respectable inhabitant from having a licence. I assure you parties are found on that day, that we only see once a year; I do hope that the Government will take it out of the magistrates' hands, and place it with the Excise."

1846. Is he a county magistrate?—No.

1847. But he is a gentleman of great integrity in Great Yarmouth?—Yes. I know from my own knowledge that houses of a certain description have always been so, ever since I can remember. I know one of them very well; it used to be called the Globe, and is now called the Victoria. It has had a bad character ever since I knew anything about it.

1848. This is a licensed house, where?—In Yarmouth. Last June I tried a man for an offence committed in that house. It was for stealing some wearing apparel, the property of the man of the house. The man swore to the circumstances of his having lost the property; his wife was dead, who had originally been a witness, and her deposition was read; the man was put into the witness-box, and he proved the loss, and he said the prisoner was in the house at the time, and that he went up stairs and stole the property, and went out at the window and got away with it. I asked the prisoner whether he would put any question to the witness. He said, "Sir, this is a bawdy-house; I did not steal the property; a man and woman went up stairs while I was there, and it was the man who stole the property." I looked at the witness, and of course began to examine him, and said, where did you come from, and he said from Norwich. I began then to remember the man's face, and then said, "How came you to leave Norwich and go to Yarmouth. Did they not refuse to let you have a licence in Norwich." He said, "Yes." I then said, "How did you get a licence for this public-house?" Well, that man is now out; and at the very last assizes, before Lord Campbell, the succeeding tenant was tried for receiving stolen goods, and convicted.

1849. How long have you known this house?—I am upwards of 60, and I should say 45 or 46 years; and the character of that house has been bad all that time.

1850. The party has always had a licence?—Always had a licence, being the property of a magistrate.

1851. Sir *G. Grey.*] Have you ever known informations laid against the keepers of that house?—No.

1852. Should you have known it if there had been?—No.

1853. *Chairman.*] Is there any doubt as to the character of this house?—No.

1854. Is it known to the magistrates?—Yes, and to the owner.

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1855. Is it known that it belongs to a magistrate?—Yes; he is not a magistrate now, but he is a magistrate of the county.

1856. Sir *G. Grey.*] What police is there in Yarmouth?—The police is quite competent, which is evident from the fact that there is not a single prisoner in gaol now for trial.

1857. Do you know whether the police in Yarmouth act under the same instructions as are given in Norwich for visiting these houses?—I do not.

1858. What is the population of Yarmouth?—30,000.

1859. Is it an increasing population?—Yes, they have added Golston to it.

1860. Has the increase in the number of licences been out of proportion to the increase of the population?—That is very difficult to say; Yarmouth was a walled town originally, and the denes have all been built on since the passing of the Act; and there have been some hotels on the beach which never could get a licence until the passing of the Municipal Act.

1861. *Chairman.*] Do you know anything about licensing at Yarmouth; whether many applications are made and refused, as elsewhere?—Yes.

1862. For public-houses?—I do not know; I was counsel to the magistrates on an appeal to the quarter sessions of the county of Norfolk on their refusal to grant a licence, and I succeeded in persuading the magistrates for the county that the magistrates for Yarmouth had done right, but the character of the party whose licence was refused was precisely the same as when the licence was granted; and that licence was refused without any notice to the party at all until the licensing day. She came up for her licence, and it was put round, and there was not a sufficient number of signatures.

1863. Sir *G. Grey.*] You said you succeeded in persuading the magistrates that the licence was rightly refused; do you think there were good grounds for refusing the licence?—I thought it a scandalous thing that a person should have a licence refused without any trial.

1864. *Chairman.*] Was the ground of that licence being refused that she was an immoral character?—Yes.

1865. And that was the case when the licence was granted?—Yes.

1866. And they refused it when she applied to have it renewed?—Yes; that was the reason I alleged before the county magistrates, that she was not the man's wife, but the woman had been living with the man for many years.

1867. Have you any information, with regard to Lynn?—Yes; I should state that it is very difficult to get information, because you are rooting up a very nice nest egg for all these magistrates' clerks. On the licensing day the clerk gets 566 six shillings and sixpence.

1868. That is the interest of particular individuals in the present system continuing?—Yes; therefore I could not go to the Lynn magistrates' clerk, but I wrote to a friend there, and he went and could not get the information. But I have got it from another source. This is from the Excise officer for the Lynn division; and he says that the publicans who have the magistrates' authority are 151; beersellers who sell beer to be drunk on the premises, 21; beersellers who sell beer not to be druk on the premises, 12; so that that will be 33 out of 184 with whom the magistrates have nothing to do. Then he says, of the publicans, 124 sell spirits, 36 sell wine; that is to say, 124 have a beer and spirit licence, and 36 have a wine, beer, and spirit licence, leaving 124 public-houses. I have asked the gentleman who furnished me with that, who was a wine merchant, how many out of the 124 houses were the property of brewers, and he says there were 100 out of 124 brewers' houses, tied for beer and spirits. I have another note from him, in which he says that there is no difference between the price of beer sold by the brewers to their own houses and the beer they sell to the free houses, but the free houses expect a 10 *l.* note or a load of beer at Christmas. As to himself, it makes 5 *s.* difference. He is a small brewer, and sells to free houses, besides what he sells to one or two houses which he has of his own.

1869. Are the great majority of these houses in Lynn, as in Norwich and Yarmouth, in the hands of brewers?—These one hundred houses are, most of them, the property of Bagge & Co.; and until the passing of the Municipal Act, you could not get a licence there, but since the passing of that Act the same effect has taken place as in Norwich; some few licences has been granted.

1870. Do you believe the same system exists at Lynn as in Yarmouth and Norwich as to the mode of granting the licences?—I was counsel for this Mr. Lawes. He was a wine merchant in the High-street of Lynn, a respectable man, and

and wanted a licence to enable him to sell small quantities of wine and spirits. He got it, and then they said afterwards that he had introduced the bitter ale and the people went into his shop and had a glass of bitter ale, and drank it, and they said that that was contrary to the compact he entered into with them, and the next licensing day they refused his licence.

1871. They refused his licence, in consequence of his not agreeing to a compact with the brewer?—They said when they granted the licence to him, he agreed that he would not have beer consumed on his premises. Aftewards the bitter ale came into use, and the people used to go into his shop, in passing, and take a glass of ale, and go on.

1872. This was a compact with the magistrates?—Yes, and they refused his licence.

1873. Mr. *K. Seymer.*] He professed only to sell wine and spirits?—Wine, spirits and beer, in small quantities. You cannot sell less than two dozen of beer, or two dozen of wine and spirits; and he wanted a licence to enable him to sell those in small portions, not to be consumed on the premises. He had some consumed on the premises, and they said that broke the compact, and they refused him a licence. He appealed, and I succeeded in getting him his licence.

1874. Had they any right to make such a compact?—No.

1875. Mr. *W. Brown.*] Are you aware that many of these beershop keepers and spirit dealers cannot introduce into their premises this bitter ale, which is a wholesome beverage and not very intoxicating, because it interferes with the sale of intoxicating drinks?—Bass's ale is too dear. It prevents the introduction of Bass's, Allsopp's, Ind & Coope's, and every other beer. He says, "Their price is 31 *s.* and 32 *s.* a barrel; my price, to free houses, is 27 *s.* Their price for spirits is, brandy 26 *s.*, rum 16 *s.*, gin 12 *s.*; mine is, brandy 24 *s.*, rum 14 *s.*, gin 10 *s.* I have no doubt many of them pay no rent, the rates, taxes and licence being quite enough."

1876. Is this from Lynn?—Yes; and I have got this from Ipswich, which is a place of about the same size as Yarmouth. My informant says, "The number of public-houses in Ipswich licensed by magistrates is 125. Number belonging to common brewers, 102; number of free houses, 23; making 125. Number licensed since the Municipal Act, 25; number of common brewers in Ipswich, 4 to 6. Several houses are supplied from non-resident common brewers; I cannot ascertain how many beerhouses brew beer, but very few."

1877. Is the writer of this letter a person on whose information you can rely?—Yes; he has full means of knowing.

1878. Then the same system exists at Ipswich as at Norwich?—Yes, and if you go to Thetford, you will find the same system. You cannot go through the county of Norfolk without finding the same system pervading the whole county.

1879. The public-houses are in the hands of brewers?—Yes; and in the county the monopoly is complete, because you cannot get a licence there.

1880. The brewers are among the wealthiest and most respectable portion of the county?—Yes, there are these people of Norwich, the Cobbolds at Ipswich, the Bagges at Lynn, and the Bidwells at Thetford. Whether there are any others there I do not know, but the same system pervades the whole county. The gentleman to whom I wrote at Lynn said, he applied to the magistrates' clerk, and he would not give him the information.

1881. Lord *E. Bruce.*] Is it your individual opinion, according to the evidence that you have given, that the whole system in the towns of Yarmouth, Norwich, Lynn, is a complete monopoly on the part of the brewer?—Perfectly so.

1882. Do you think that any individual going down with a good character, and small means, if he took a house and wished to open it as a public-house, would have any chance of getting a licence?—I think not, unless he happened to have very great recommendations to one side or the other. The late Bishop Stanley had a butler who brewed very good beer at the palace, and when his master died, he thought he would turn brewer. The man did turn brewer, and they went to a great expense to get a house for him, and he wished to have a licence from the magistrates, and a precious job we had to get it. If it had not been for Mrs. Stanley's interest he would not have got it.

1883. *Chairman.*] What was the object of his getting a licence?—It was in Norwich Cattle Market. I forget the name now, but the house had been sold, and the premises adjoining, and the persons who bought it had kept the public-

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house to themselves, and a small brewery. A new house had been built for this man, and they said it was a shame that there should be two licences; he ought to buy the other licence, and take it to the new house, and open it.

1884. Those people had influence with the magistrates?—Yes, I did not know the man, and I believe my vote carried it. Mrs. Stanley having written to one or two gentlemen, I saw them sign; I know how the licence was carried. A man must be a madman who goes and builds an inn, or a public-house, with an intention to open it in the beer, wine, and spirit trade, unless he is sure of a licence first, and when they meet on licensing day, it depends on who is there.

1885. If he takes good care, he can make that sure; he can get the consent of the magistrates first, and secure their attendance?—Yes.

1886. And then he can sell it next day?—Yes.

1887. Mr. *W. Brown.*] It is not so much one particular kind of influence, as that a man must have influence one way or other?—Yes.

1888. Does the owner of a public-house, in the case of elections, vote on the same side as the brewer?—A man with 202 votes is not to be despised in a municipal election, or even in a Parliamentary election; but particularly in a municipal election.

1889. When were you appointed recorder?—In 1836.

1890. *Chairman.*] Are the opinions you have expressed on this subject supported generally in the place to which you have referred?—Yes; I remember on one occasion, when the licences to some six or eight houses were refused, they threatened to appeal to the county bench, an appeal lying to the county bench. The licences were not granted, and there was no appeal; they were opened as beershops, and then they were relicensed the next licensing day.

1891. Had they been refused on account of bad character?—Yes.

1892. Was any evidence taken of improvement in the character when the licences were regranted?—Not the slightest; they were refused because they were of bad character. I said, "Where is your proof?" Some of the magistrates said, "We do not want the proof; the police say they are bad, and that is enough." I believe they were the resort of bad characters, but next year they were renewed.

1893. And you did not hear the police say they were of good character then?—No.

Oswald Fordham, Esq., called in; and Examined.

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1894. *Chairman.*] ARE you a magistrate of the county of Hertford?—No; I am a Brewer, but not a magistrate.

1895. Do you entertain any objection to the existing system of granting licences to beerhouses?—I object to the disparity there is in granting licences to the beershops and public-houses. First of all, the certificate system of the beershops has entirely failed in securing a good character in the tenants. It is necessary for them to have a certificate, signed by six ratepayers, as to their character. In some cases, in many villages, that has operated as an entire barrier, however good a man's character may have been.

1896. There are perhaps not six people who know it?—There are not six people who will sign it, from being relations of the old public-house keepers, and many other reasons. Where the population is large, and there are a great many ratepayers, it is no check whatever.

1897. What counties are you now speaking of?—Of Cambridge, Hertford, and Essex.

1898. Are you alluding to cases within your own knowledge?—Yes.

1899. Are you the owner of any of these houses?—Of about 50 beershops, and 15 public-houses.

1900. Who is it that refuses any of these people; is it the Excise?—It is necessary for them to have a certificate signed by the ratepayers of the parish.

1901. Where is that produced?—That is taken to the Excise before the licence can be granted. There are many villages in my immediate neighbourhood where it is impossible for a man to obtain a certificate, so that he cannot get a licence.

1902. Is there any liability attaching to giving a certificate of good character?—No.

1903. Still, in your neighbourhood there is a difficulty in getting a certificate among

among persons whom you have known apply for a licence?—Yes; in some parishes it is impossible; and in some parishes it is easy, however bad a man's character may be, where there is a large population.

1904. Can you give any instance of this inconvenience in a village from the want of a beerhouse?—Where there is only one public-house in the village.

1905. They are prevented from getting that certificate of good character?—No man, however good his character, can obtain it.

1906. Mr. *Barrow.*] Would that arise from many of the inhabitants thinking that the public-house was equal to the wants of the village?—It might arise from that, or from an interested feeling. In many cases it arises perhaps from the inhabitants being related to the person who owns the only house.

1907. *Chairman.*] Can you say there is any feeling in these villages which you know, in favour of giving greater facility for procuring licences?—Yes, and the inhabitants in many cases would have an opportunity of brewing beer they liked better from the greater competition.

1908. Do you think the beer is inferior when there is only one house, and that house belongs to a brewer?—All the magistrates licensed houses almost all belong to the brewers.

1909. And the people are obliged to take whatever beer is sold at that one house?—Yes.

1910. Do you know instances, now, in which people would like to have other licensed beerhouses?—Yes.

1911. Are you of opinion that the trade should be thrown open to competition?—Yes; there is another great barrier to a beerseller, which is, that the house must be rated at a certain amount.

1912. What is the amount now?—The amount in the rural districts, where the population is under 2,500, is 8*l.*

1913. And that is a barrier to getting a licence?—Yes; and it entails a great expense in building houses for that purpose, which enhances the price of beer, or deteriorates the quality, without any advantage to the revenue. In many cases I would rather pay 10*l.* a year for a licence to the Government, than go to the expense of erecting a house which is necessary to be rated for the purpose.

1914. What is your suggestion for meeting the evils which you observe to occur in your neighbourhood?—I should propose that the licence on magistrates' houses should be placed on the same footing; that they should pay the same amount of licence which they do not now. The beerseller pays 3*l.* 6*s.* now, and the magistrates' houses pay only a guinea. Again, the beerseller has to find a surety for 20*l.* to 25*l.*, I do not recollect which.

1915. Mr. *W. Brown.*] That is the case now?—Yes; the beerhouse has.

1916. Mr. *K. Seymer.*] Is that not in order to meet the penalty?—Yes.

1917. *Chairman.*] You say you would put them both on the same footing?—Yes.

1918. Would you put the beerseller on the same footing as the licensed victualler, or the other way?—I would raise the licensed victualler to the same price as the beerseller, and considerably raise the licence; I think 10*l.* a year would not be too high a licence, and I would allow free competition.

1919. You say it is difficult now for a man to get a licence; if he had to pay 10*l.* a year would it not be more so?—If he had to pay 10*l.* a year instead of the obstructions which are now thrown in his way, the matter would be thrown open to competition, and there would be a check upon the too great increase of beer-shops.

1920. Do the people get good beer under the present system?—Not so good as they ought to have.

1921. Is the price as low as it would be otherwise?—The price might be lowered. I do not know how that would act; but no doubt if the trade were thrown open, the price would be lowered, or the beer better.

1922. Have you ever heard any complaints of beerhouses in your neighbourhood?—Yes; of course I know that a house that sells beer will be annoying to many persons, and it must be so from the necessity of the case.

1923. Are those complaints well founded?—In some cases they are; I do not think the complaints against the beerhouses are greater than against public-houses.

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1924. Have you any suggestions to offer yourself with respect to the regulation of alehouses or beerhouses?—I think they ought to be put on the same footing as magistrates' houses as to the hours they should keep open.

1925. Sir *G. Grey.*] In which direction would you put licensed public-houses on the same footing that beerhouses are now?—Yes, or under more severe restrictions.

1926. *Chairman.*] Would you give any encouragement to houses which did not sell beer to be drunk on the premises?—If that could be fairly carried out, I should like to see a greater number of houses with beer not liable to be drunk on the premises. I think it is better that beer should be consumed in a man's house, than that they should meet together to drink it in a public-house.

1927. Sir *G. Grey.*] Do you exercise any control over the conduct of the persons who are your tenants, and who keep these houses?—We choose as good tenants as we can get.

1928. Do you make inquiries previously to accepting one of these tenants, as to the character of the man?—Yes; most of my tenants have been in the houses a great many years.

1929. Have you ever known cases in which tenants of yours have had informations laid against them?—Yes, several cases.

1930. Has any case occurred in which the licence has been suspended for two years?—In the case of licensed victuallers?

1931. No, in the case of beerhouses?—The magistrates have no power of suspending them.

1932. The magistrates have on the third conviction the power of preventing a licence being granted to that house for two years; have you ever known a case of that kind occur?—I only know one case, and there the licence was suspended altogether; he was never allowed to sell beer again.

1933. Was that the case of a beerhouse?—Yes; there is a clause in the Act which says, if a man obtains a false certificate he shall not be allowed to sell beer again.

1934. Now, for the ordinary case of disorderly conduct and drunkenness being allowed in these houses, are you aware of some persons having been frequently convicted several times?—I do not know any cases where they have been convicted several times.

1935. Do you know cases where the magistrates have exercised a power which the law vests in them, of shutting up the house?—I do not recollect a single case of that kind.

1936. Is there a county police in Hertford?—Yes.

1937. Do they visit these houses, to see what is going on in them?—Yes, they keep a check on them.

1938. What is the comparative rent of a house that is occupied as a beerhouse, compared with a house of the same size and rental, in the same village, which is not occupied as a beerhouse?—Most of the beershops are not rented at more than 8*l.*, or 9*l.*, or 10*l.* a year, just a sufficient amount to secure the rating that is necessary.

1939. Your profit as a brewer is derived, not from the rent of the house, but by the sale of beer?—Yes; we lose a great deal by being obliged to invest money in houses; it amounts to a large annual sum, and that increases the cost of the article now.

1940. Do all the persons who keep these houses sell on their own account, or are any of them servants or agents of the brewer, selling his beer and obtaining his commission?—They sell on their own account.

1941. It is your recommendation that the trade should be thrown completely open, and that any person should obtain a licence to sell beer on the payment of 10*l.* a year?—I do not think it would be fair to throw the trade entirely open at present; the amount of property which is invested in public-houses and beershops should be regarded for a time. In the last Act the persons who occupied houses at the time of the Act were to obtain licences during their lives; some period of that kind might be taken for protecting their interest.

1942. You might secure the persons now holding licences for the continuance of their lives?—Yes; or it would be better to have a scale of duties; in villages 10*l.* might be too high; in a city or large town it would be better to have a higher licence duty. I thought 9*l.*, 12*l.*, and 15*l.* might be the scale; and there might

might be some division in the different qualifications which were requisite. In the Act of 1846 the population is to be 2,500 or 10,000.

1943. Is the licence which would cost these respective sums to be a licence enabling the parties to sell spirits as well as beer?—No; I think there are quite enough houses in the country with a spirit licence. A great many houses which have the permisisve power to take out a spirit licence under the magistrates do not do so.

1944. Would your licence be confined to the selling of beer, and would you leave the licence to sell spirits to the existing law?—Yes; I think it best to leave the licence to sell spirits to the magistrates.

1945. But you would still leave the discretion in the magistrates to grant licences to sell spirits?—Yes.

1946. *Chairman.*] Are there many who get a magistrate's licence now, who do not take out a spirit licence from the Excise?—Yes, a great many.

1947. Mr. *Barrow.*] Do you think no regard should be paid to the wishes of the inhabitants and owners of houses, near which a new beershop is about to be opened?—I think the amount of licence would be a sufficient test of the requirements of the population; it must not be a very poor house to enable a man to pay 10 *l.* a year.

1948. You do not understand the question; do you think no regard should be paid to the disinclination of the inhabitants to the appropriation of one of those houses as a beershop?—That is rather a difficulty in the way.

1949. *Chairman.*] Would you leave it to a man's own interest to decide whether he would engage in that business in any particular place?—Yes; I think it would be better to leave the thing open; I think the other plan has been tried so long now, at least 20 years, and we see in many villages that the whole of the population is obliged to drink the beer that is sold in one house; we have found that that plan has failed.

1950. You think that there would not be too many beerhouses in one place, because men would not run the risk of a licence?—I think they would be fewer.

1951. Sir *G. Grey.*] As to these public-houses of which you are the owner, are they chiefly in villages?—All in villages.

1952. All in places where the certificate is required?—Yes.

1953. Suppose it should be recommended that licences should not be granted to houses rated at less than 10 *l.* a year; are there many houses in the villages where your houses are situated, rated at 10 *l.* a year?—They are rated at a less sum than that.

1954. If that law was adopted, do you think it would practically be impossible to open any one of these houses?—It would be necessary to lay out a large sum in bricks and mortar.

1955. You would have to alter and increase the existing houses?—Yes, to enhance the value, which is virtually increasing the cost on the beer without advantage to any one.

1956. If the rate was raised, it would only lead to money being laid out by the brewer, and would not prevent the house being a public-house?—No; in most cases we should begin to build directly, as we have done already, in order to raise them up to the 8 *l.*

1957. *Chairman.*] Do you speak correctly, when you say there are a number of persons who get the certificates from the magistrates, and do not avail themselves of the spirit licence which they take from the Excise?—I should think about a third in my neighbourhood.

1958. Does it not give a much greater value to the house, if it has a spirit licence?—There is not a sufficient amount of spirits sold to answer the taking out of a licence.

1959. Is it owing to the circumstances of the particular place, that people do not take out the spirit licence?—Yes.

1960. Sir *G. Grey.*] They could not make a profitable trade?—No; perhaps there are half-a-dozen who have the permissive power, and will not avail themselves of it.

1961. Mr. *W. Brown.*] Would you throw the trade open to respectable parties, not convicted of any offence, and allow the wants of the trade to regulate the demand for the article sold?—Exactly.

 1962. Would

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1962. Would you add regulations in addition to responsible sureties?—The present amount required by bond is 20*l.*; I think that would be high enough.

1963. Do you not think, in the event of the trade being thrown open, and that the magistrates had not the duty of seeing who should be licensed and who should not, that they should have a summary jurisdiction ever those who infringe the law; would not that be a better security to the public than the present regulations?— I think so, decidedly.

1964. *Chairman.*] Have you any other alteration that you wish to suggest to be made in the sale of beer?—It would be necessary to provide some means of accommodating travellers and wagoners at a later hour than the hour allowed by the beershops now; that might be done by allowing houses to take out a licence for that express purpose.

1965. Could not that be evaded?—I do not know.

1966. Sir *G. Grey.*] You mean, that houses might take out an additional licence to keep open to a later period?—Yes.

1967. But you could not limit the class of persons who, during those extra hours, would come to the house?—No.

1968. Would you not get back to the difference between houses licensed to keep to a particular hour?—Many houses close now voluntarily.

1969. Mr. *Brown.*] Many houses have travellers; would it not be hard to make those go and seek lodgings elsewhere?—Is not that a lesser evil than having the whole houses of the country open all night, almost?

1970. Sir *G. Grey.*] Is there much competition in the district in which your houses are situate?—Yes.

1971. Are there other brewers who possess other houses, and who compete with you in the sale of their beer in that district?—I compete with 30 brewers.

1972. *Chairman.*] Do they agree with you in the opinion as to the state of the law, and the improvements you have suggested?—Most of the brewers who are large proprietors of public-houses would not.

1973. There are brewers who are owners of beerhouses?—Yes.

1974. Sir *G. Grey.*] Is there any agreement among brewers as to the price at which beer should be sold?—I think there is pretty severe competition now; one of the largest expenses a brewer has now is in the houses which it is necessary to have, and the difficulty of getting licences; that restricts the competition.

1975. Licences for public-houses?—No; licences for beerhouses.

1976. Owing to the difficulty of getting the certificate?—Yes; and to the outlay in the houses.

1977. Is there any difference in the beer sold in the beerhouses and in the licensed public-houses belonging to the same brewer?—We make no difference in that respect; where the competition is very severe, if there is one vat of beer better than another, we send it where competition is more severe.

1978. Mr. *K. Seymer.*] Do you ever have reason to complain that your tenants deteriorate the beer?—I am afraid they do; when I say deteriorate, I think they often mix water with it.

1979. Sir *G. Goodman.*] Do you suggest any additional charge in the licences to be granted to these houses for refreshing wagoners?—No, I do not think you could make any additional charge.

Lunæ, 30° *die Maii*, 1853.

MEMBERS PRESENT.

Mr. Villiers.	Mr. Barrow.
Mr. Gregson.	Sir George Grey.
Lord Dudley Stuart.	Sir George Goodman.
Mr. W. Brown.	Mr. Fitzroy.

THE RIGHT HON. C. P. VILLIERS, IN THE CHAIR.

Mr. *Joseph Grose*, called in; and Examined.

Mr. *J. Grose.*

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1980. *Chairman.*] WHERE do you reside?—At 19, Weston-place, Old Pancras-road.

1981. You have a beerhouse there?—I have.

1982. How long have you had that?—I have had it in the beer line upwards of 7 ½ years.

1983. And you have made application to the magistrates to grant you a certificate to enable you to get a spirit licence?—Yes; I have made application the last four years; every year for four successive years.

1984. And you have been refused on each occasion?—I have.

1985. You have applied formally; you have done it in a regular way?—Yes.

1986. And there is no question as to your not having made your application in a regular manner?—Not the least.

1987. Was there any reason assigned for the refusal of the licence?—None. I never had any complaint made of my house.

1988. Have you had any persons to support your application?—I had 378 of the inhabitants' signatures to the petition last year, including the two churchwardens, and 33 of the vestrymen, and the clergymen of the district.

1989. They all signed your petition which was brought before the magistrates when you last applied for a licence?—Yes.

1990. Did anybody appear to complain of the manner in which you had conducted your beerhouse?—No; I employed Mr. Bodkin as my counsel; he stated my case for me.

1991. Was there anybody there who had anything to allege before the magistrates against your beerhouse?—No.

1992. Are you aware that anybody made any complaint to the magistrates affecting the conduct of your house?—No.

1993. Can you tell us any reason why the magistrates refused your licence?—I cannot tell you the reason why, for they had no grounds for doing so whatever. I have always conducted my house properly. I have expended a large sum of money there, upwards of 1,000*l.*, in making the place fit for a licensed house. I have more accommodation than any licensed house in the neighbourhood.

1994. Are there several licensed houses in that neighbourhood?—There are none till past me; mine is the nearest to the terminus.

1995. Mr. *Fitzroy.*] What is the nearest public-house?—The Friend-at-Hand, which is about 60 or 70 yards beyond me.

1996. *Chairman.*] Has anybody applied, since you first applied, for a licence in that immediate neighbourhood?—Yes, Mr. Jones applied.

1997. Did he apply at the same time that you did, about four years ago?—I think he did; he has been three or four years trying.

1998. Can you state whether you applied before him, or whether he was before you in making application?—No, I was the first of any one.

1999. You are quite certain that you made the application before him?—Yes.

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2000. You state that your house is much better suited to afford accommodation to the neighbourhood than his is?—Yes, it is far better; mine is a corner house.

2001. What is the character and the size of his house?—He has not near the accommodation that I have, because his parlour is up-stairs for one thing.

2002. Has he obtained a licence?—No, Mr. Foster is the person who has obtained a licence; about February last year he took two houses, and put them into one.

2003. Is that just in the neighbourhood where your house is?—Two doors below me.

2004. When did he apply first?—Last year, before the house was finished; he applied last year for the first time.

2005. Is his house better suited to afford accommodation to the neighbourhood than yours?—It has not near the accommodation that mine has.

2006. Will you shortly state the difference between the accommodation afforded by your house and his house?—I have a room up-stairs that will hold above 100 people; I have my parlour, in which I have had above 70; and then I have a very nice tap-room, in which I have had 33 people.

2007. Have you any accommodation for sleeping?—I have nine bed rooms.

2008. This is in the neighbourhood of the new terminus to the railway?—The first corner; the corner that goes up to Somers Town.

2009. Fresh accommodation has been required for that neighbourhood?—There has.

2010. What is the size and extent of the other house that has obtained a licence; is it very much less than yours in the accommodation which it affords?—Yes, it is a great deal less; he has not the room in the bar that I have; and the tap-room must be very small if he has one.

2011. Mr. *Fitzroy.*] You stated that there were two houses thrown into one?—Yes, it was two small houses.

2012. *Chairman.*] What is the name of the person who has got the licence?—Mr. Foster is the man that has got the licence; it belongs to Mr. Lyall; it is through the interest of Mr. Lyall that the licence is obtained.

2013. Do you know anything of Mr. Foster. Is he a man of capital?—No, he is not, I believe.

2014. Do you know of whom he rents the house that has got the licence?—Mr. Lyall is the owner of the house.

2015. Is Mr. Lyall connected with any brewer, or is he a brewer himself?—He is retired now; he was a brewer.

2016. Does it belong to any firm from which he has retired that continues still in business?—I do not believe it does; I think it is his own.

2017. Is he a gentleman of fortune?—That I cannot answer.

2018. Is he on the bench?—I cannot answer these questions; I know very little of him, only by his coming there.

2019. Does your house belong to yourself?—Yes, I have a long lease of it.

2020. Are you connected with any brewer?—No, mine is a free house. I had a little money out of my brewer that I dealt with to make those alterations; but I am free from any one; if he does not please me, I can go to another; I have not had but a little money on it.

2021. Do you know whether many of the inhabitants signed in favour of Foster when he obtained his licence?—I believe Mrs. Foster went round with his petition, and I believe she got about 70 odd signatures.

2022. Any of the parochial officers?—No.

2023. Any clergymen?—No, I do not believe any one.

2024. Your petition has 378 signatures, and the two churchwardens, and the clergymen?—Yes.

2025. Have you any idea yourself upon what ground your licence was refused and Mr. Foster's was granted?—Mr. Foster told me before the day that he was sure of his licence. At least before the day Mr. Lyall came into my place, and said, "Who is to get the licence, Mr. Grose, you or me?" I said, "Mr. Lyall, I do not believe they can grant it to you, without they grant it to me, in justice." I said, "If they grant it to both, I shall not care so much; but if they give it to you and not to me, I shall be very much aggrieved."

2026. Mr. *Fitzroy.*] Were you present when Mr. Foster made application to the bench upon the licensing day?—Yes.

2027. Upon what ground was opposition offered?—There was no ground.

2028. Did

2028. Did anybody appear to oppose?—There was a petition to oppose against all of us; there was Mr. Sinclair, the publican's solicitor, and Mr. Roseblade.

2029. They opposed the whole that were presented?—They opposed all the applications that were made; there were four applications for licences.

2030. *Chairman.*] Did the solicitor for the licensed victuallers attend to oppose any new applications?—Yes.

2031. Mr. *Fitzroy.*] But you did not hear upon what grounds?—No.

2032. Sir *G. Grey.*] How many were granted out of the four?—Two, Mr. Foster's and Mr. Freeman's; Mr. Freeman lies away out of the road, by the parcel office.

2033. Is that in your immediate neighbourhood?—It is close by, but it is not in connexion with our neighbourhood. There are three in the immediate neighbourhood of Old Pancras Road.

2034. Is Mr. Foster in the house still?—Yes.

2035. Lord *D. Stuart.*] Is he driving a good trade?—He has never opened the house; there has never been a thing done to it.

2036. *Chairman.*] Do you mean that the house is not opened for which a licence has been granted?—No; not a bit done to it.

2037. Is not the house ready?—No.

2038. Was not it ready when he applied?—No.

2039. Was yours quite ready?—Quite ready.

2040. Did you make that known to the magistrates?—They came round three separate times to view my place, and they seemed very well pleased with it. Each time they were round, there were different magistrates, and they were very much pleased with it.

2041. Did Mr. Lyall accompany them?—No.

2042. Did they look at Mr. Lyall's house?—Yes, they were three times in it; but I believe they did not go into Mr. Jones's.

2043. Did the counsel that attended for you before the licensing magistrate, Mr. Bodkin, remonstrate, or did he enforce your application?—Yes, he remonstrated as well as he could.

2044. Did anybody attend to oppose except the solicitor for the licensed victuallers?—That is all.

2045. Did they state in your hearing any particular ground for opposing your application, or was it merely the general ground of resisting all applications for new licences?—They never stated any grounds whatever.

2046. You are sure that there was nothing particular alleged against you, or against your house?—I am certain of it.

2047. Lord *D. Stuart.*] Has there ever been any complaint against you?—Never, the whole time that I have kept the house.

2048. *Chairman.*] Did Mr. Bodkin talk of appealing?—No; I went to my solicitor to know if I should appeal; Mr. Bolton was my solicitor; he said I had better let it rest another year.

2049. Have you laid out money with the view of getting a licence?—I have laid out money to get accommodation. I have got splendid accommodation.

2050. Till you get your licence, you are losing upon the money so laid out?—Yes; I have laid out nearly my all.

2051. Have you reason to believe that it is an inconvenience to the neighbourhood that your house has not a spirit licence, and that Mr. Foster has not opened his house at all?—It is a very great inconvenience to the public, for I turn many away every day; they come into my house for spirits, and they think it is a licensed house, it has all the appearance of a licensed house; I have laid out a great deal of money upon it.

2052. And you are losing a great deal of custom every day?—Yes, I have turned away above 20 this morning before I came away; before 12 o'clock.

2053. Sir *G. Grey.*] Is your business large in the sale of beer?—It is not so large as it might be if I drew spirits.

2054. Do you mean that if you had a spirit licence you would also sell more beer?—Yes, because a great many gentlemen will not go into a beershop, if they know it is a beershop; they think they cannot get beer so good.

2055. Where do you get your beer from?—From Truman & Hanbury.

2056. You have said that you had an advance of money from your brewers upon your house; is your house mortgaged to them?—They hold my lease till I pay the money.

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2057. It is an equitable mortgage?—Yes.

2058. And you are bound to get your beer from them?—No; if they do not please me another brewer will advance that small sum, and will be glad of the job.

2059. Another brewer would advance the money to enable you to get back the deeds from Truman & Hanbury?—Yes.

2060. But as long as the deeds remain with them you are bound to get your beer from them?—I could not go away from them; it would not be fair.

2061. Then, as long as you owe that money to them, yours is not a free house; you are not at liberty to get your beer where you like?—I call it a free house, because I could redeem my lease to-morrow; I have got a brewer that would find the money.

2062. But you would not be able to get your beer from any house you liked, as long as your deeds were in the hands of a particular brewer?—No, I must deal with that brewer.

2063. *Chairman.*] But the premises are worth something as a mortgage to the party who advances the money, whether he is a brewer or not?—Yes.

2064. Sir *G. Grey.*] Do you get your money more easily from a brewer; why do not you get it from somebody else, so that you would be free to get your beer where you liked?—I wish I could do it.

2065. Do you mean to say that you can get money for such a purpose more easily from the brewer that supplies you with beer?—No; I pay five per cent. for it.

2066. Could not you get money at five per cent. anywhere else?—I do not know.

2067. Does the brewer let you have the money on easier terms on condition of your having your beer from him?—Not at all.

2068. Then what inducement have you to get the money from the brewer, and not to get it in the market upon the best terms?—It would be better to have it from a private gentleman than to have it from the brewer, of course.

2069. *Chairman.*] But I suppose the brewers are in the habit of advancing money to publicans?—They are.

2070. It is a natural sort of connexion between the two?—Yes.

2071. Mr. *Barrow.*] I suppose you save the expense of a legal mortgage by merely depositing the lease with the brewer?—Yes.

2072. With another person you would have a regular mortgage?—Yes.

2073. Mr. *Brown.*] And probably you do not know any private gentleman from whom you could obtain the money?—No, I do not.

2074 *Chairman.*] Is it known in your neighbourhood why you have been refused the licence?—No.

2075. Is it ascribed to partiality shown to Forster and to Lyall?—That is the general opinion of the whole of the inhabitants. There is no one but what cries out shame upon it.

2076. Sir *G. Grey.*] Have Truman and Hanbury many houses in that neighbourhood?—No.

2077. Do they supply beer to the other houses that have licences?—No.

2078. Who supplies them; where do the two houses that got licences when you were refused get their beer?—Forster is not opened; the other gets his beer from Mr. Wood. I believe the house belongs to Mr. Wood.

2079. *Chairman.*] Did you ever ask Truman & Hanbury to interfere with the magistrates in your favour?—I went to ask if they had any interest to help me in getting a licence, and they said they had no interest whatever.

2080. What are the names of the magistrates who attend on the licensing day in that district?—Mr. Cancellor was one, and Mr. Stock.

2081. Lord *D. Stuart.*] Is not Mr. Stock a member of the vestry?—Yes; Mr. Stock came round three times with other magistrates.

2082. *Chairman.*] How many more attending the licensing?—Seven or eight.

2083. Do you know if there was a division upon your case?—I cannot say exactly.

2084. They did not decide it in your presence?—They whispered something, but we could not hear what they said.

2085. Do you know if any of them were brewers?—No; Mr. Lyall, the year before last, got a licence for the College Arms that is in our district; that is the same property as this.

2086. But

2086. But you do not know of any connexion between the magistrates and any brewers?—No, I cannot say that I do.

2087. You do not know that Mr. Lyall is connected with any of the magistrates?—I cannot say.

2088. Sir *G. Grey.*] How often has your application been repeated?—In four successive years.

2089. You stated that the last time there were four applications, two granted and two refused; in the three previous years, can you recollect how many applications were made at the same time with yours, and how many were granted, beginning at the year before last?—The year before last, there was one of the name of Jones, and mine.

2090. Were they both refused?—Both refused.

2091. The year before that?—I think Mr. Jones applied when I did first.

2392. He and you have applied every time together?—Yes.

2093. He had been refused three times before the present year?—I think he had.

2094. *Chairman.*] When was the railway terminus, of which you have spoken, opened?—Last year, I think.

2095. Lord *D. Stuart.*] You applied first, four years ago?—Yes.

2096. There was no railway then?—No. They said they would wait then, and see where the terminus would be.

2097. But the railway was talked of as coming there?—Yes.

2098. You have said that your house is nearer to the railway station than any other?—Yes, it is as near. I do not know that there is much difference; it is just across the road.

2099. You mentioned the Friend at Hand, near you; how long has that been opened?—That has been opened many years; it is beyond me, that is, farther away from the terminus.

2100. Have you lived long in the parish?—I have had this house nearly nine years.

2101. Did you live in the parish before that?—Yes; I lived in Little Albany-street.

2102. How many years have you been a ratepayer?—About 16 or 17 years.

2103. *Chairman.*] Do you know anything about what situation in life the magistrates are in; whether any of them are in business?—I do not know.

2104. Do you know whether any of them are bankers?—I cannot say.

2105. You have had no quarrel with any of them?—Never.

2106. And you cannot tell the reasons of their refusing you a licence?—I cannot imagine the reason; I thought they never could grant to the other house without mine; I have got every convenience, urinal, and everything that is required; I never had any complaint of my house.

2107. Lord *D. Stuart.*] Do you know how long the other man, Forster, who has got a licence, has lived in the parish?—I do not believe he has paid any rates in the parish. He took the public-house which was taken for the railway. The man that kept it was paid by the railway company; when he got his money he left it. This man took it till the railway company wanted it; during that time he was fined 5 *l.* for Sunday morning trading.

2108. *Chairman.*] Forster was fined?—Yes.

2109. Can you give us any idea as to the difference in the value of Forster's premises now he has got a licence, as compared with their value before he got a licence?—Forster told me he had been offered 6,000 *l.* for it.

2110. What do you think the house was worth before the licence?—It was worth nothing at all before the licence.

2111. What would it have been worth, for any person to purchase before the licence was granted, upon the chance of getting a licence?—It would be worth very little before the licence was got.

2112. You stated that it is Mr. Lyall's property?—Yes.

2113. Then there is that amount of difference in the value of Mr. Lyall's property conferred by the licence, as compared with what it was worth before the licence was obtained?—Yes.

2114. Is he the owner of many other houses?—I believe he has got three or four licensed houses in that parish; he has got licences for three or four houses in that parish.

2115. Does he build houses?—I don't know.

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2116. Who built these premises first?—Mr. Glynn, last year, put two houses into one and built a bar; this year, just before the licensing day, he added a room up stairs, over the bar, the same as I have done in my premises.

2117. Is he the builder that Mr. Lyall employs to build his houses before they are licensed?—I don't know.

2118. Mr. *Gregson.*] Do you mean to say that that house would sell for 6,000 *l.* more in consequence of having the licence?—That is what Mr. Forster told me he has been offered.

2119. Sir *G. Grey.*] What is Forster's interest in it?—Mr. Forster told me himself that he had no interest at all in the house; that he was only put in to get a licence.

2120. You said that Forster had been offered 6,000*l.* for it; what was it that Forster was offered 6,000 *l.* for?—For the house, with the licence; for the property altogether.

2121. But that is Mr. Lyall's, and not Forster's?—Yes, Mr. Lyall's.

2122. To whom would the 6,000 *l.* go?—To Mr. Lyall.

2123. What is the tenure of the house, is it freehold?—No.

2124. What is the length of the lease?—I do not believe they have a lease on it now, because the property is in Chancery.

2125. Do you mean that without any lease they could sell the house, with the licence, for 6,000 *l.*?—That is what Mr. Forster stated, but I do not believe it.

2126. What is the tenure of your house; does it belong to yourself?—No; I have a lease on it.

2127. For how long?—I have 25 or 26 years now.

2128. What would your house sell for, as a beerhouse?—I should hardly get what I have laid out upon it.

2129. What money should you get for the 25 years' lease that you have to run?—I should get 1,200 *l.* or 1,300 *l.*

2130. What would you get if you had had a licence?—It would be worth 5,000 *l.* if I had a licence.

2131. Mr. *Gregson.*] Has any house been sold at such an actual difference in value in consequence of the licence?—Yes; there was the College Arms, that Mr. Lyall got a licence for; directly that licence was obtained, he turned out the poor man that was in with 50 *l.*, and then sold the house for 2,300 *l.*, or something of that sort.

2132. Sir *G. Grey.*] You pay a yearly rent for your house?—Yes.

2133. As you have a lease, the rent could not be increased upon you in case of the house being turned from a beerhouse into a licensed public-house?—No; I have two houses; I have the next door besides this public-house; I got the two houses for 80 *l.* a year; the public-house alone would fetch 100 *l.* a year rent, if I had a licence.

2134. *Chairman.*] That would be the difference in the value of that house, if it had a licence?—Yes; I should let this house alone for 100 *l.*

2135. What do you consider the rent of that house to be now, separate from the other?—About one-half; about 45 *l.*

2136. The rental value would be doubled, if there was a licence?—Yes.

2137. In fact, a house licensed as a public-house will fetch a rent double what it would fetch if it was only a beerhouse?—Yes; the business that would come to me would pay for it, and I should get good profit too.

2138. Mr. *Fitzroy.*] Who is the landlord of your house?—Mr. Clerk of Kennington.

2139. Mr. *Barrow.* You say that the house is now worth 45 *l.* a year rent, and that it would be worth 100 *l.* a year rent, if it had a licence; do you mean to say that 55 *l.* a year for 25 years is worth 5,000 *l.*?—I mean to say that the house would be worth double the rent if it had a licence; it would be worth 100 *l.* a year rent, besides the 5,000 *l.*

2140. *Chairman.*] It would be worth a bonus of 5,000 *l.* to let at 100 *l.* a year?—Yes.

2141. Mr. *Fitzroy.*] What is the name of the clerk to the justices of this division?—Mr. Scadding.

2142. *Chairman.*] Is there any other statement that you wish to make?—Nothing else, but that I should like to have justice done me; I have not had it.

2143. Mr. *Gregson.*] What do you surmise to be the reason why the licence was refused to you?—It must be through interest that Mr. Foster has got the licence,

licence, there is no doubt of it; but I cannot see any justice in giving it to a man just come into the neighbourhood, and only two doors from one beershop, and one door from another that has been there for years.

2144. Lord *D. Stuart.*] You were recommended by the two churchwardens and the clergymen, and a great number of ratepayers?—Yes.

2145. Do you know whether Mr. Forster was recommended in the same way?—No, I know he was not. He had his wife to go round to get his petition signed; he was ashamed to go himself, because no one would sign it for him.

2146. Who recommended him; did a number of the vestrymen recommend him?—No, he could not get any vestrymen to recommend him, but only a few inhabitants.

2147. Sir *G. Goodman.*] You spoke of a house being sold for 2,500*l.* after it had got a licence; is that house to be at all compared with your house in point of value?—My house is better situated than that by far, because I am close to the terminus.

2148. Your house with a licence would be worth much more than that house?—Yes, it would fetch a great deal more.

Signatures to my Petition each Year:—1850, 108; 1851, 311; 1852, 384; 1853, 378.

Mr. *Charles Kitto*, called in; and Examined.

2149. *Chairman.*] WHAT is your address?—42, Ferdinand-street, Hampstead-road.

2150. Do you keep a beerhouse?—Yes.

2151. And you have applied for a licence?—I have.

2152. When did you apply?—Since 1847, I have applied six successive years.

2153. In the same district?—Yes, in the same district and to the same bench.

2154. And each year you have been refused?—Yes.

2155. Will you state the circumstances under which you have been refused; is your house situated in a proper place for a public-house?—Yes, in the centre of a densely populated neighbourhood and an open thoroughfare. In 1847 I purchased the walls, and I completed building the house and applied for a licence the following year, and I have repeated the application successively each year, but without any success.

2156. How long had you kept a beerhouse before you applied?—I opened it, I think, in June 1847, and I applied in the March following.

2157. Then you took out a beerhouse licence for a few months, before you applied for a spirit licence from the magistrates?—I commenced on the 19th of June, and I did not apply for a spirit licence till the following March.

2158. Were there several persons applying at the same time?—There were, but not in the immediate neighbourhood, not to clash with my interest, or with other interests in the licences.

2159. Did you make a statement of your case in the court openly to the magistrates?—Yes.

2160. And you were opposed?—I was opposed by the British Queen, which is situated 176 yards from me.

2161. Were you opposed by that person individually, or was there a solicitor acting for several other public-houses?—I believe the solicitor attended for others as well.

2162. What was the ground upon which he opposed your having a licence?—That there was sufficient accommodation in the neighbourhood. But between me and the British Queen, there was a portion of ground that was not covered; there are now three streets leading out of Ferdinand-street, close by.

2163. Have there been new buildings since you first applied?—Yes; there is Haverstock-place and Haverstock-street.

2164. Each year have you been opposed by the same parties?—Yes.

2165. For the same reason?—Yes; the opposition has been as nearly as possible the same.

2166. That there was enough accommodation for the neighbourhood?—Yes.

2167. Notwithstanding the new buildings and the greater number of people that are living there?—Yes; all the houses average two families in a house.

2168. Has any other person been more fortunate in getting a licence since you first applied?—Yes; on the other side of the British Queen from me, between

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that and the Newbury Arms, where there was not half the number of inhabitants in 1851, there was a house licensed.

2169. That was not between you and the British Queen, but on the other side, where the population was not so thick?—Yes, because opposite to that house there was a field. In 1851 that house was applied for between the Newbury Arms and the British Queen.

2170. Who is the person who got that licence in 1851?—A party of the name of Robinson.

2171. Had he kept a beerhouse before?—Yes.

2172. Did he keep the same house when he got the spirit licence?—Yes; he built the house, and had a very hard struggle to keep it on.

2173. To whom does this house belong?—It has changed hands twice since it was licensed in 1851.

2174. Do you mean that the occupier has changed?—Yes; it is now in the name of Hughes. Then, in 1852, there was a house, now called the Mother Shipton, occupied by Mr. Wilby, built by Mr. Batterbury, opposite that there was also a field; that was licensed in 1852.

2175. Do both those houses belong to the same person?—No, not the same. Long after March 1852, Mr. Batterbury purchased a cottage on the other side of me, about half way between me and the nearest public-house on the Hampstead-road side of me; between me and the Railway Tavern, on the opposite side to the British Queen. He erected a house in the garden, and then in his own name he gets a licence for that house last March.

2176. That is, March 1853?—Yes. There are 13 cottages standing on about 60 yards of ground; the whole measurement may be 100 yards.

2177. Mr. Batterbury has nothing to do with Robinson?—No; he is interested in the Mother Shipton, which was licensed in 1852; I was informed that he received 800 *l.* in the event of Mr. Wilby getting the licence to the house.

2178. You stated that you applied in 1851 and were refused, and that Mr. Robinson got a licence; who was Mr. Robinson?—Mr. Robinson was the man that built the house; and he had struggled hard whilst the neighbourhood was in its infancy, and was a most deserving man to have a licence.

2179. You and he applied, and he got a licence?—Yes.

2180. You make no objection to his having got it?—Certainly not.

2181. You only say that that neighbourhood was less populous, and that there was less accommodation required there than in your own district?—Yes.

2182. In 1852 you apply again for a licence, and then you are refused, and Mr. Batterbury gets one?—Mr. Wilby gets one for that house of Mr. Batterbury's.

2183. Who is Mr. Wilby?—A tenant of Mr. Batterbury's.

2184. Is he connected with any person, or is it his own capital?—I believe so, but Mr. Batterbury applied for those two houses, one in his own name, and another in the name of Jackson; one in the Hampstead-road, at the corner of Ferdinand-street, and another on the opposite side of the factory in the Clarence-road.

2185. You are speaking now of what was done in 1853?—Yes.

2186. Did Mr. Batterbury apply for Mr. Wilby?—No, Mr. Wilby applied.

2187. Is Mr. Batterbury a man of influence?—I am not aware that he is.

2188. Mr. Wilby got his licence independent of Batterbury?—Yes, so far as I know.

2189. Can you state why Wilby got his licence in preference to yourself?—No, not particularly; but I cannot help feeling that there must have been some foreign interest brought to bear, to account why Mr. Batterbury can get his this year instead of me.

2190. We are talking, first, of Mr. Wilby, is he connected with any brewer?—He is in Mr. Elliott's trade, and draws the same beer that I do; but in what shape he is there I do not know; as far as I know, it is Mr. Wilby's house.

2191. Mr. *Fitzroy.*] The same brewer supplies you both?—Yes.

2192. *Chairman.*] In 1853 you and Mr. Batterbury both apply together; and you stated that it was only a few months before that he built this cottage, or rather enlarged it?—He built the house upon the garden of the cottage.

2193. And then he gets a licence?—Yes; the house was not completed when it was licensed.

2194. And it was not begun to be built when you first applied?—It was not begun to be built in March 1852; I believe the arrangement was made for the purchase in 1852.

2195. Did

2195. Did Mr. Batterbury apply himself for the licence?—Yes, in his own name; the house has been for sale ever since it was licensed; he has been asking 5,000 *l.* for it; and last Saturday I was told that he closed with a party for the sum of 4,000 *l.*, and 100 *l.* a year rent, for the term of 30 years.

2196. What was the value of the house before he got the licence?—It is a very large spacious house; a house that I should certainly set no value upon in a working neighbourhood like that; as for the money that he laid out, it must have been a considerable sum, but what sum I have no idea of.

2197. What would the house have fetched without the certainty of getting a licence, suppose he had been obliged to sell it?—I have no idea what a man could have afforded to give for it; from what I know of the beer trade, I should not say that any man could have paid a high rent for it.

2198. Sir *G. Grey.*] These premises were built expressly for a public-house?—Yes.

2199. With the confident expectation of obtaining a licence?—The same as others; I had the same idea.

2200. Is it a common thing to build upon speculation, taking the chance of obtaining a licence?—It is with builders; I had no idea that there was any difficulty in obtaining a licence, otherwise I should never have thought of doing a thing of the kind.

2201. *Chairman.*] Can you give us no idea what the value of those premises was before Mr. Batterbury got the licence?—He could have got 100*l.* a year for it, either as a beerhouse, or for any other purpose that it would have been well adapted for.

2202. After he got a licence, what could he have got for it?—He sold 30 years' interest for 4,000*l.* and 100*l.* a year rent.

2203. A rent of 100*l.* a year, with 4,000*l.* premium?—Yes.

2204. Is he doing a large business as a builder in that neighbourhood?—Not very extensive; he has a great deal to do with the sewers, in laying down new sewers; he takes contracts of that kind, and he does some extent of building, but not in that immediate neighbourhood.

2205. Has he much influence in that neighbourhood?—He has been on the Paving Board; I do not know whether he has been in the vestry.

2206. Does he employ a great many people?—I should suppose not.

2207. Were you present when his licence was granted, and yours refused?—Yes.

2208. Did you hear any evidence given upon the subject?—No.

2209. Do you know the reason why you were refused?—Not in the least; there were eight magistrates on the bench at the time.

2210. The magistrates who usually attend for the purpose of licensing?—Yes; and I have reason to believe that there were four for, and four against; and the chairman was, unfortunately for me, against me.

2211. Who is the chairman of that division?—Mr. Cancellor was the chairman last March.

2212. Were you acquainted with any of those magistrates?—No.

2213. Do you know whether Mr. Batterbury was?—He might have been connected with some of them, but I do not know that he was.

2214. Sir *G. Grey.*] Have there been any complaints against your house?—Not the least, neither by the police, nor by the shopkeepers, nor by any other parties. The shopkeepers got up a separate petition last March, and lodged it at Mr. Scadding's office, praying that the wants of the neighbourhood should be taken into consideration.

2215. Have you a lease of your premises?—Yes.

2216. How long?—Ninety-two or 93 years.

2217. And you pay an annual rent?—I pay 14*l.* a year ground rent.

2218. Whether the house be licensed or not, that has nothing to do with the ground rent; what would be the increase in the value of the premises if you obtained a licence?—As it is, I manage to exist; and if I were licensed I am satisfied that I should be able to procure a very comfortable livelihood for myself, and to afford to educate my children better than I now can; but as regards selling or letting the house I have not the slightest idea, for I had no intention of the kind.

2219. *Chairman.*] At the time of the licensing, was there any inquiry made with respect to the conduct of your house by the magistrates?—No; with regard

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to the conduct of my house they put no questions, and with reference to my previous character I produced a note to them from a gentleman I lived many years with.

2220. Was there any evidence taken at the time of the granting or withholding those licences by the magistrates, as to the character of the persons applying?—No.

2221. And you did not hear any inquiries made as to whether you had conducted your beerhouse properly, or whether there was anything against you?—It was stated in the petition that I had done nothing which the police could complain of; but no questions were asked me whether I had or had not done so, and no inquiries were made upon that subject. It is the same thing year after year. The application is made, and the licence is either granted or not granted.

2222. Did the thing seem to have been decided before you appeared before the magistrates?—In my own case I should think not, inasmuch as the magistrates' clerk went round and took the names one by one, for and against.

2223. With respect to Mr. Batterbury's house, was there any inquiry publicly as to the situation of the premises, and how far his house met the wants of the district; or in any of these cases were any of these inquiries made publicly at the time of granting the licences?—No.

2224. How long did the magistrates take altogether in disposing of these applications for licences?—With the exception of hearing the counsel, it might take some two or three minutes.

2225. Did you employ counsel?—Yes.

2226. Who is your counsel?—Mr. Clarkson.

2227. Did Mr. Batterbury?—Yes.

2228. They both addressed the bench in favour of your claims?—Yes.

2229. Was there any division upon Mr. Batterbury's case?—The two cases were classed together; the two cases came on at the same time.

2230. But did they not decide them separately?—No; the names were taken down for and against.

2231. Sir *G. Grey.*] Do you mean that it was a question whether he or you should have the licence, and not a question whether you should both have a licence?—I think not; had we both had it, I should have been satisfied, for I consider that Mr. Batterbury's house was arranged to meet the wants of the traffic, but not at all to meet the wants of the neighbourhood.

2232. *Chairman.*] I was asking you about the way in which the magistrates decide upon these licences; you stated that the clerk goes round and takes the vote; did he go round twice: once in your case, and the other time in Mr. Batterbury's?—No; he appeared to go round and take down the name "Kitto," or "Batterbury."

2233. Then the question was, who should have the licence, "Kitto," or "Batterbury?"—Yes.

2234. Sir *G. Grey.*] You mean that they had settled that there should only be one licence granted for that district, and that the question was who should have it, "Kitto," or "Batterbury?"—Yes.

2235. *Chairman.*] Have these magistrates been always the same to whom you have made your application?—No; they are different gentlemen sitting on the Bench.

2236. Have there always been eight magistrates attending?—No; sometimes three or four; I do not ever remember so many as eight before.

2237. And sometimes some will attend, and sometimes others?—Yes; they are not always the same.

2238. It is pretty much a chance whether your friends or those against you will be there, and upon what principle they will decide?—Yes. In this case, three of the gentlemen out of the eight were newly made magistrates; in short, I never heard of their being magistrates till the night before.

2239. Were they resident in your neighbourhood?—Yes, in the parish. One of those who sat on the Bench had signed Mr. Batterbury's petition. He sat on the Bench, and decided in favour of the petition which he had signed.

2240. He was one of the magistrates that decided Mr. Batterbury's case?—Yes.

2241. Was that done by any of the other magistrates?—Not that I am aware of.

2242. Mr. *Fitzroy.*] Are you aware whether that gentleman, when he signed that

that petition, was churchwarden of the parish, and whether he signed it in that capacity?—I am not aware that he was.

2243. What was his name?—Pearce.

2244. *Chairman.*] But he did not abstain from voting upon the question of granting the licence?—No; I am sure he voted.

2245. Sir *G. Grey.*] Are there many beerhouses in your neighbourhood without spirit licences?—There are two in my street.

2246. Have the occupiers of either of those beerhouses applied for a spirit licence?—One of them has.

2247. Was he refused?—Yes.

2248. Is there a great desire on the part of the occupiers of beerhouses to get a spirit licence granted?—I do not know that there is any particular desire.

2249. You said that you could carry on a much better business if you had a spirit licence?—Yes.

2250. Is the profit on the sale of spirits much greater than the profit on the sale of beer?—I am not aware that it is; but I am aware that I can do now 15 *l.* or 20 *l.* a week, at a certain profit; and if I sold the same quantity of spirits at the same profit, my book would show much better at the end of the year. Whether there is more profit on spirits than on beer, I have no chance of knowing.

2251. You think it would bring more customers to your house if you sold both beer and spirits?—Yes.

2252. *Chairman.*] Do you consider your case now hopeless?—Yes, quite, under the present system.

2253. It is seven years and a half since you have been established there?—Yes, seven years this June.

2254. Have you any reason to expect that you shall have a better chance next year?—I see that the wants of the neighbourhood are increasing.

2255. Are they now supplied by the house for which the licence has been granted to Mr. Batterbury?—I do not see that the neighbourhood is any more supplied than it was before; Mr. Batterbury's house is in the Hampstead-road.

2256. You still consider that neighbourhood requires another public-house?—Yes.

2257. Does Mr. Batterbury occupy that house himself?—He does, up to this time.

2258. Has he turned publican?—He lives in the house himself.

2259. Does he serve the customers?—I have never seen him; in short, I have never seen him in the house, but his family live there.

2260. Do you know whether he intends to remain in the house himself?—I imagine not, because his pewter was marked with the sign of the house, leaving a space for the name of the person that might purchase it; and the same with the painting outside.

2261. Showing that he intended to put another person in?—He intended to sell it. It has been for sale ever since it was licensed.

2262. Sir *G. Grey.*] Is your beer sold chiefly to persons who reside in the immediate neighbourhood of your house?—Yes. The thoroughfare is every year increasing, and has been so since I have been there every year. Occasionally people come into the house in passing by, but the chief of it is sold to parties residing in the immediate neighbourhood.

2263. You do not think that Mr. Batterbury's house is near enough to interfere with your custom?—Not in the beer trade.

2264. Would your house have interfered materially with the British Queen's custom?—Not in the least.

2265. Then what interest had the occupier of the British Queen to oppose your having a licence?—It is usual for a licensed house which is near a beershop to oppose its having a licence, upon the broad ground that they think that the more there are it must, directly or indirectly, be detrimental to their trade, and therefore Mr. Knight, the occupier of the British Queen, has always opposed me in the usual way; but I never had any ill feeling about the matter, because I have every reason to believe that if I was in the British Queen and he was where I am, I should have opposed him.

2266. It is done upon the general ground, that it is undesirable for the interests of the licensed publicans that the number of public-houses should be increased, not upon the particular ground that a house in the immediate vicinity of the

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British Queen would interfere with its custom?—No; I do not think they look at that.

2267. Do you think that the opening of another public-house in the neighbourhood would have tended to increase the consumption of beer or spirits, or that it would only have altered the distribution of the supply?—I do not think it would have increased the consumption; I believe that if more houses in the neighbourhood were licensed, and the police had instructions to look after them more strictly, to see that they were conducted properly, a great deal of drunkenness would be done away with, inasmuch as the wives would know where to find their husbands; whereas now the men go away from their homes, and the chances are that three-fourths of their wages are spent before they arrive at home.

2268. Do the police frequently visit your house?—Sometimes they look in on Sunday morning. Of course they go up and down in front the same as at any other house; but they have never had any occasion to pay any particular visit, for I never had any complaint.

2269. Is there much drunkenness in the neighbourhood?—I think not.

2270. Does what drunkenness there is arise chiefly from drinking spirits or from drinking beer?—I cannot say. It is a very hard-working neighbourhood; but not having been able to supply spirits, I cannot say what the consumption of spirits may be.

2271. Is yours a free house?—Yes.

2272. Where do you get your beer from?—From Mr. Elliott's.

2273. But you are not bound to get it from him?—Not in the least.

2274. *Chairman.*] Do any respectable people oppose your licence; has the clergyman objected to it?—No.

2275. Nor any of your neighbours?—No.

2276. Only a neighbouring publican, who did not wish to share the business with you?—Yes. There were about 23 signatures, and half of them I could point out that were directly or indirectly connected with Mr. Knight.

2277. You did not hear it stated by the magistrates, as a ground for refusing your licence, that they did not wish to do anything to increase the drinking in the neighbourhood?—No.

2278. Mr. *Brown.*] In point of fact, is not the opposition to beerhouses getting a spirit licence generally from the apprehension that they will take away part of the business of other houses?—Yes; they join together and oppose any application from a beerhouse keeper. In some instances there have been as many as seven that have clubbed together to defray the expense of counsel to oppose.

2279. They want to have exclusive possession of the business?—Yes; I am subject to all the annoyances to which licensed victuallers are subject with regard to having billets, and so on. Last year I had five recruits billeted on me for 21 days, for which I never received a farthing. I had orders to find them a hot supper at not more than 10 *d.* a head; yet I am debarred, year after year, from what I consider a right.

2280. Mr. *Gregson.*] Is there not some allowance for those expenses for recruits?—There should have been, I suppose, but I never had it. No one, except the recruits, was ever there.

2281. Did you apply for the allowance?—I never applied.

2282. Lord *D. Stuart*] You have been greatly disappointed at not getting a licence?—Yes.

2283. Have you ever thought of any remedy for this state of things?—I scarcely know of any remedy.

2284. Have you ever thought of appealing?—No, I have not; for appealing almost looks like appealing from Paul to Paul himself. I do not see exactly the merits of appealing.

2285. Mr. *Brown.*] If you had appealed, should you have been afraid of its damaging your chance of getting a licence the following year?—I certainly should.

2286. Mr. *Gregson.*] Yours is a licence for drinking on the premises?—Yes.

2287. Are there any houses in your neighourhood for the sale of beer not to be drunk on the premises?—No; I am not aware of one.

2288. You say that you get your beer from Elliott's?—Yes, the porter.

2289. Have you the usual arrangements with Elliott's?—I have no arrangement at all, any further than that, as I came along now, I put a note into the post-office

post-office to send me a certain quantity of porter, and every 28 days their clerk calls. *Mr. C. Kitto.*

2290. Have they advanced any money upon your house?—No, they never advanced a shilling. I do not owe Mr. Elliott, or any other person, for half the value of the beer that I have in the cellar. It is true I called upon Mr. Elliott, and asked him if he could interest himself, but I got no reply. 30 May 1853.

2291. Could you brew upon your own premises?—I do not know whether I could; I never had any idea of the kind.

2292. Mr. *Brown.*] Do you sell Bass's pale ale in your house?—No.

2293. Are you deterred from keeping it in consequence of the price?—No; I pay my brewer the same price. I get my ale from Cain Cross, which is in Gloucestershire.

2294. The price of Bass's ale does not deter you from keeping it?—No; I pay the same price.

I should have said my petition was signed by 203 of the inhabitants; Mr. Batterbury's was signed by 65, 40 of whom only resided in this neighbourhood.

Mr. *Charles Jones,* called in; and Examined.

2295. *Chairman.*] WHAT is your address?—No, 12, Weston-place, Saint Pancras-road. *Mr. C. Jones.*

2296. Are you the owner of a beerhouse?—I keep one; I am not the owner of the house.

2297. You have taken out an Excise licence?—Yes.

2298. Have you applied to the magistrates for a spirit licence?—Yes; four times.

2299. In four successive years?—Yes.

2300. What was the first year?—In 1849.

2301. How many applied with you?—There were four of us in the same neighbourhood.

2302. Were they each beerhouse-keepers?—Three of us were, but the other house was not opened.

2303. Did they begin to apply, as you did, in 1849?—No; they were private houses then.

2304. When you applied first, how many applied with you?—Only Mr. Grose and me.

2305. What is the character of your neighbourhood; is it very populous?—It is not very populous at present, though my house stands right opposite the entrance of the terminus, and we have a great deal of custom from that.

2306. Then your house is near Mr. Grose's?—It is four or five doors off, but mine is directly opposite the entrance, and very convenient for the public that travel by the railway.

2307. Has any person in your immediate neighbourhood got a licence?—Two; one the next door but one to me.

2308. In what year did he get that licence?—This year.

2309. Four applied, and two of them have got licences?—Yes.

2310. What are their names?—It is Forster's name that appears, and Freeman.

2311. We have heard about Forster, tell us about Freeman; how long had he been a householder?—The house was built afresh; it was a new house.

2312. When was the house built?—Last year.

2313. And your house was built, and was fit for the accommodation of the public, four years before?—Yes.

2314. Who built Freeman's house?—Mr. Wood, the brewer, of Westminster.

2315. Does Freeman hold it under a lease from Mr. Wood?—I do not know.

2316. You know that Mr. Wood built it?—Yes.

2317. And that it belongs to Mr. Wood?—So I was told.

2318. Who told you?—My collector; I do not think there is any doubt about it.

2319. Who applied for the licence for Freeman; did Mr. Wood apply himself for Freeman?—I do not know; he might have interest.

2320. Did Freeman attend with you upon the licensing day?—Yes.

2321. Was he attended by counsel or solicitor?—Yes; Mr. Ballantine was counsel for both of them.

2322. Is there any reason, as far as regards the accommodation and convenience of the public, for giving Freeman a licence, and not yourself? Is his house better situated than yours?—Not half so well.

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2323. Is it larger than yours?—No.

2324. Is it open now?—Yes.

2325. Foster's is not opened?—No; and there is no likelihood of it from what I see.

2326. Mr. Wood is a brewer?—Yes.

2327. And Freeman sells his beer?—Yes.

2328. Has Freeman been a ratepayer in the neighbourhood?—Yes.

2329. Is he well known?—I have not known him long, but I believe he is well known in the neighbourhood.

2330. Had he an Excise licence before; was he a beerhouse-keeper before?—I cannot say; the house has been completely rebuilt.

2331. Had you a memorial in favour of your application?—I had a strong recommendation from Mr. Alderman Cubitt, a gentleman that I had worked for 24 years; he could not attend himself, and he wrote me a paper to take to the magistrates.

2332. Mr. *Fitzroy.*] Is the house your own?—No.

2333. *Chairman.*] Did any person appear in opposition to you, except the person who got the licence?—I had no opposition at all this time; the publicans had opposed me before; but this time they did not.

2334. Do you know whether the memorial in favour of Freeman was numerously signed?—I do not think it was.

2335. Is it Wood's beer that is chiefly drank in that neighbourhood?—No.

2336. Does Mr. Wood live in that neighbourhood?—No, in Westminster.

2337. Can you account for his getting the licence, seeing that his house was not built when you first applied, and that it is not so convenient as yours?—I cannot answer; it is by the interest of the brewer, I should say.

2338. Do you know whether the brewer has any interest on the bench?—I do not know.

2339. Do you know whether it was decided before the licensing day, that Freeman was to have the licence?—I have no doubt it was arranged before.

2340. There was not much discussion in public, as to the comparative merits of these houses?—No; in fact, the four were classed together.

2341. Had Freeman a counsel?—Yes.

2342. Did he address the bench in his favour?—Yes.

2343. Who was your counsel?—Mr. Parry.

2344. Did you see the votes taken?—No.

2345. Were the votes taken in public; does the clerk go round to the magistrates to take their votes?—Not that I am aware of.

2346. Were you in court when your case was decided?—Yes.

2347. How was it decided?—I cannot say how it was decided; all I know is that it was decided against me.

2348. The clerk announced openly that you and Mr. Grose were refused, and that Forster and Freeman had got their licenses?—The chairman did.

2349. Did your counsel advise you to appeal?—No.

2350. Has there been any information against your house since you have kept it?—No.

2351. Was there a single thing to be said against you or your house, so far as you know?—Not anything.

2352. Did your counsel put this forward?—Yes.

2353. What business had Freeman been in before?—I cannot say.

2354. How long have you been a ratepayer in the parish?—I have been a ratepayer 22 years, in St. Marylebone, and four years in this parish.

2355. Did you hear any inquiry as to the characters of the persons applying made by the magistrates before they decided?—I did on previous occasions, but I heard very little of it the last time.

2356. Did they come round to your premises to view them?—No, they did not; they had been the year before.

2357. The same magistrates who decided this time?—Yes.

2358. Have they always been the same magistrates?—Not all of them; sometimes there are seven or eight; sometimes only four or five; there are some gentlemen who have held office for some time; we had some strangers come in the last time.

2559. Do you know which way they voted?—I do not know.

2360. But there have been four or five who have always attended when you have applied?—Yes, never less than five.

2361. Is there any publican that has Mr. Wood's beer in the neighbourhood?—No.

2362. What brewer generally supplies the beerhouses there?—I think Mr. Elliott has most of them.

2363. Has Mr. Wood any other houses, either beerhouses or licensed victuallers', in that neighbourhood?—I do not believe he has.

2364. Is Freeman still in the house?—Yes.

2365. Do you know what the value of his house was before he got the licence?—I do not; I should say about 40*l.* a year.

2366. What would it be worth now to let?—It would fetch 100*l.* now.

2367. That house is Mr. Wood's property; do you know what Freeman pays Mr. Wood for it?—I do not know.

2368. Do you know what the difference in his rent is in consequence of the licence?—I do not.

2369. But you consider him Mr. Wood's tenant?—Yes; I have no doubt it would be a heavy rent. When they get a licence the brewers then charge extra for it; where the house would only fetch 40*l.* before, when the licence is got the landlord will charge 100*l.* or 120*l.* for it.

2370. And he is bound to sell the beer of the brewer, his landlord?—Yes.

2371. Does he pay more for the beer when the licence is got than he did before?—No; one regular price.

2372. Does he pay a premium besides the rent?—I am not aware.

2373. But the brewer raises the rent immediately?—I know that they raise the rent.

2374. Is Wood's the beer that is chiefly drunk in that neghbourhood?—No; I believe Elliott's beer is the best beer that is drawn in London.

2375. Was it the opinion of your neighbours that you were hardly used in not getting a licence this time?—They were all very angry about it.

2376. They had nothing to say against you, and they thought that you had a fair claim for a licence?—They had nothing at all against me.

3377. Have you any idea why Freeman was preferred to you?—No, I have not; only by interest from the brewer.

2378. Did you ever communicate with any of the magistrates before the licensing day?—No.

2379. Do you know whether others did?—I believe some of them did; but I do not think it is a fair thing.

2380. Have you any reason for believing that the matter was decided before the licensing day?—I believe it was decided before the licensing day.

2381. Mr. *Fitzroy.*] Have you any reason for making that statement?—Nothing in particular, but what is generally said, that it is decided before the licensing day; the magistrates generally come round and view the houses.

2382. *Chairman.*] You said that there is no discussion in public as to the comparative merits of the houses, and the manner in which they are conducted?—Only by the counsel.

2383. Each counsel says what he can for his own client?—Yes.

2384. But the question refers to the magistrates?—We hear very little from them.

2385. Mr. *Fitzroy.*] How many magistrates attend these licensing meetings?—I think eight attended this time.

2386. Do you know how many belong to your division?—I do not.

2387. Are you not aware that there are more than eight magistrates who are able to attend if they choose?—There are more, I know; because Mr. Alderman Cubitt is one of the magistrates, but he never attends.

2388. Then, when you say that the arrangement is made before the licensing day, by whom do you mean that the arrangement is made?—Amongst the magistrates, I consider.

2389. By the magistrates who view the premises, or by the whole body?—By the gentlemen who go round to view the houses.

2390. And according to their inspection of the premises, they arrange whether they shall report favourably or not of the house at the licensing meeting?—I consider so.

2391. Mr. *Brown.*] Is that the public feeling, that those licences are very much granted by favouritism?—It is so.

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2392. Lord *D. Stuart.*] You say you were recommended by Mr. Alderman Cubitt; by anybody else?—I had a petition signed by the inhabitants round, a number of ratepayers, and by the clergyman of the district.

2393. Who was the clergyman?—Mr. Radcliffe.

2394. Mr. *Fitzroy.*] Would your premises admit of your brewing upon them?—No.

2395. Mr. *Brown.*] Have you any place of amusement attached to your house?—No, I never allow it.

2396. Would you consider it an advantage if beerhouses and public-houses were put upon the same footing?—It would be.

2397. Mr. *Fitzroy.*] On which footing; the footing of beerhouses or of public-houses?—I can scarcely answer that.

2398. *Chairman.*] Do you mean that a person should be able to get a licence who can show that he is ready to pay the duty, that his house is sufficiently rated, and that he is a man of good character?—If there is no fault to be found with him.

2399. You do not object to police regulations for your house?—Not at all.

2400. But you think that there should not be any caprice, or anything that is arbitrary in granting the licence?—That is my view; I think there ought to be an alteration; we have no trouble in getting our beer licence; and I think it would be much better for the Excise only to have the granting of the spirit licence.

2401. The police now come into your house when they think proper?—Yes.

2402. Has there been any information laid against your house?—Not at all.

2403. Is there anything that you would suggest yourself as an improvement in the regulation of houses of this kind as far as the police goes?—No; I do not think you could have a better regulation of the police.

2404. Beerhouses now are obliged to be closed at a particular hour every night, as well as on Sundays during service?—Yes; at 12 o'clock every night; I always make a rule to close at half-past 11, so that we have no trouble.

2405. Mr. *Brown.*] Would you see any objection that the keepers of both beerhouses and public-houses should be bound in a sufficient amount of security that the houses should be well conducted; would it not exclude from the body of beerhouse-keepers and public-house keepers persons of indifferent character, who could not get such security?—I do not know how it would act; if we do not conduct our houses properly we lose our licence.

2406. *Chairman.*] That is the law; but have you known any instance in which a beerhouse licence has been suspended?—I do not know; I have not been a beerhouse-keeper long; so that I am not well versed in it.

2407. Mr. *Brown.*] Are there not many beerhouses kept by persons of very indifferent character?—Very bad.

2408. Do you think that those persons would be able to get respectable securities as a guarantee for their good conduct?—They would never get bondsmen.

2409. Therefore that regulation would have the effect of excluding from the trade those improper characters?—Yes.

2410. *Chairman.*] Do you think that the respectable portion of the trade would not object to further security being required from any applicant for a licence?—No.

Mr. *Frederick Darbey*, called in; and Examined.

Mr. F. Darbey.

2411. *Chairman.*] WHERE do you reside?—At 21, Albert Terrace, Bishop's Road, Paddington.

2412. You are a beerhouse-keeper?—Yes; going on for three years.

2413. How often have you applied for a spirit licence?—Twice; this year and last year.

2414. And you have been refused on each occasion?—I have.

2415. Has somebody else obtained a licence in your neighbourhood instead of you?—Yes; there have been two close to me.

2416. Mr. *Fitzroy.*] Are you in the same division as the preceding witness?—No; I am in the Holborn division.

2417. *Chairman.*] With respect to those persons who applied at the same time that you did, have you anything to say why they should not have got a licence instead of you?—In the first place there was Mr. Scantlebury; if I recollect rightly, it was only from the time when I gave notice that I was going to apply for

for a licence that he commenced to build his house, and from the time he commenced to build it, till it was licensed, was about nine weeks.

2418. Did he apply when you did, upon the first occasion?—Yes.

2419. Was his house ready when he applied for a licence?—When the notices were given, there were no doors, windows, or roof on the house.

2420. Yours was already built?—Yes.

2421. When he got the licence, was the house finished?—Yes; it was opened three or four months afterwards.

2422. Yours would have been opened immediately?—Yes; mine was opened then as a beerhouse.

2423. He was not then keeping a beerhouse in the neighbourhood?—No.

2424. Is his name on the house now?—No; he had sold it previously to getting the licence, with the understanding that the licence was a certainty.

2425. Then the sale was conditional upon that; so that he did not actually touch the purchase-money before the licence was granted?—I cannot say about that.

2426. Who is Mr. Scantlebury; is he a builder in Paddington?—He has built many houses there.

2427. Has he got any others licensed?—Not any.

2428. What was the house worth without the licence, and what did it sell for with the licence?—It was sold for 3,500*l.* with the licence, at a ground-rent of 12*l.* a year. I should say that it cost about 1,200*l.* building.

2429. Do you mean to say that that was the value of the house to sell before the licence?—Yes.

2430. How much after?—£. 3,500.

2431. Who is the person now occupying this house?—There have been three different parties in since last March twelvemonth.

2432. Who were those parties?—Mr. Brown, who keeps the Queen, in James-street, Westbourne-terrace, purchased it of Mr. Scantlebury as soon as he commenced it. Mr. Brown, previously to its being opened, sold it again at a profit to Mr. Gilbert, of Irongate-wharf-road; and Mr. Gilbert went into possession, and he was in possession for a short time, and he then sold it to Meux's, the brewers.

2433. Mr. Gilbert was a publican?—Yes; and so was Mr. Brown.

2434. But Mr. Brown did not occupy the premises; Mr. Gilbert did occupy them?—Yes.

2435. How long?—About four months, I think.

2436. Then he sold the house again with a profit to Meux's?—Yes.

2437. What have they done with it?—They have put a tenant in, but upon what conditions I do not know. I have heard that the rent is to be 100*l.* the first year, 130*l.* the second, 150*l.* the third, and 200*l.* the fourth year, and I have heard that they gave 5,000*l.* for it.

2438. Is the house well situated?—No; it is a house that will never pay the expenses of keeping, in my opinion. It stands at the corner of a long bridge, and it must depend entirely upon the few gentlemen's houses that are around it. The party who is in says it is impossible to get a living out of it.

2439. Did he tell you what rent he paid?—He did not.

2440. He sells Meux's beer?—Yes.

2441. Whereabouts are your premises?—Mine are in the main road, in the Queen's road. I have applied two years for a licence. This year I have had no opposition from any person.

2442. Who opposed you before?—Two publicans, one on each side of me; one at the top of the road and the other at the bottom of the road.

2443. Anybody else?—Nobody else, except Mr. Kemshead, the magistrate.

2444. He is one of the licensing magistrates?—Yes; I have a plan of the premises and of the neighbourhood here, showing the situation (*producing a plan*).

2445. Mr. *Fitzroy.*] Mr. Kemshead lives in the neighbourhood, does he not?—Opposite to me.

2446. *Chairman.*] Is your house well situated?—Yes; it is very well situated for the neighbourhood.

2447. The neighbours knew that you intended to apply?—Yes.

2448. And nobody opposed you?—Nobody opposed me but Mr. Kemshead.

2449. Did Mr. Kemshead oppose you the last time?—Yes; I had nobody else to oppose me but Mr. Kemshead, the last time.

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2450. Mr. Kemshead is an influential gentleman in that neighbourhood?—There is no doubt of that.

2451. What is the reason of his opposing you?—The reason is, that when he got upon the bench, Alderman Wire appeared for me, and he told Mr. Alderman Wire that he would find a very formidable opponent in him; that he was there to guard the interests of the Bishop of London's estate.

2452. Do you know what he meant?—I cannot say what he meant by that; I believe there is a heavy premium paid by all houses that are marked out for licences, and mine was not. I took mine on an agreement for a lease for 21 years. I took up a lease which had no restrictions in it. The business I was doing did not pay me. I was losing all I had got, and it was suggested to me to open it in the beer line. I did so, and I found it answered well; and for that reason I continued; but Mr. Kemshead said that I had no business to open it as a beerhouse, as I had not got the privilege from the estate, and had not paid the premium.

2453. The premium goes to the bishop?—It goes to the Bishop of London's estate.

2454. The profits of which go to the bishop?—Yes.

2455. Mr. Kemshead said that you had not paid the premium for a licensed house?—He said that I had not paid the premium.

2456. You were not bound to do so?—No.

2457. Is there any other reason than that for Mr. Kemshead's opposition?—Not the slightest. He told me that personally he had not the slightest objection to me.

2458. Can no house be started as a beerhouse or a public-house without paying this premium to the bishop's estate?—I suppose there is hardly a case round the neighbourhood where they can do so.

2459. Do you know that any other person was refused on the same ground?—Not on the same ground.

2460. Did Mr. Kemshead state anything openly against you?—Not at all.

2461. Did he state that he had no other reason than that which you have mentioned?—He said that it was never built for a public-house, and it ought not to be one; that it was a fraud upon the estate.

2462. What has he to do with the estate?—Mr. Gutch, the surveyor of the estate, is a very intimate friend of his. Mr. Gutch is the surveyor of the parish, and Mr. Kemshead always sits in the select vestry of the parish.

2463. He is a leading person in the select vestry, and he is a licensing magistrate?—Yes. He is a visiting justice of all the houses of correction, and all the asylums, and everything else.

2464. Who is Mr. Scantlebury; is he a connexion of Mr. Kemshead in any way?—He has built for him; whatever building or alteration Mr. Kemshead has done, Mr. Scantlebury has to do.

2465. Mr. Scantlebury applied for a licence at the same time that you did?—Yes, on the first occasion.

2466. Did he get it upon the first occasion?—Yes; Mr. Kemshead got up and proposed it, and it was carried unanimously.

2467. Is his house very near another public-house?—No; it was about the same distance from the Lord Hill that I am from Mr. Scantlebury's.

2468. Mr. Scantlebury got that licence in 1852?—Yes.

2469. Did anybody get a licence this year when you were refused?—Yes.

2470. Was it in that particular neighbourhood?—That is in the same line of road, upon the opposite side of the railway bridge.

2471. Who was it?—Mr. Sewell.

2472. Is that in the district that you would have expected your custom from?—No, it is away from me, because it is over the bridge.

2473. The neighbouring publicans opposed you at first, but they did not oppose you in 1853?—No; they made sure of me getting a licence, as I had got all the neighbours to support me.

2474. Did you ever try to make arrangements with Mr. Kemshead, with a view to doing what he thinks you ought to do for the estate?—No. He said if I could get the sanction of Mr. Gutch, the district surveyor, he would not object to the licence.

2475. The licence was withheld from you, not because they thought that there were public-houses enough, or because they wished to put a restraint upon drinking,

drinking, or for any considerations relative to the neighbourhood, but it was simply with a view to what was expected for the benefit of the estate?—Yes, entirely.

2476. Had you any memorial to support your application?—I had the certificate of Captain Vesey, of the 43d foot, and some of his men were billeted in my house in 1852; and I had the signatures of 141 of the inhabitants, besides 10 tradesmen who had a society held at my house, called the Westbourne Tradesmen's Society; and my memorial is signed by the clergyman, Mr. Taylor.

2477. Did any of the vestrymen sign it?—I went to several, but it was quite out of the question to expect them to sign it, because they are so interested with Mr. Kemshead; I am certain that, unless the licensing system is altered, I shall never get a licence to my house.

2478. There was not the same objection to Scantlebury's getting a licence as connected with the estate that there was as to yours?—Not at all.

2479. He is connected with Mr. Kemshead, so far as that he is his builder?—Yes, he sent in a contract to build Mr. Kemshead a large mansion, previous to his license being granted in 1852.

2480. He did not want to keep the house himself as a public-house, but to sell it, and he did sell it?—Yes.

2481. And the large sum which he got was a clear gain to him, in consequence of obtaining the licence?—Yes.

2482. Mr. *Gregson.*] Is not your house so near Mr. Kemshead's private residence that he considers it a nuisance?—It is not so close as that; his house lies back in the garden; it is hidden from my house by other houses (*the Witness pointed out the situation of the houses upon the Plan*).

2483. *Chairman.*] Is the new mansion that Scantlebury built for Mr. Kemshead near your house?—It is by the side of the old house.

2484. How many magistrates attended at the licensing day, when you were last refused?—I think, 13 or 15.

2485. Was Mr. Kemshead in the chair?—No, he was not; Mr. Whiskin, I believe, was the chairman.

2486. Was there any discussion upon the subject of your licence?—No more than when Mr. Alderman Wire got up to make the application; he told the gentlemen that there was no opposition, and that the memorial was very numerously signed by a large number of the inhabitants, and likewise by the clergyman; and that there was a certificate from Captain Vesey, and a letter from a gentleman who had been staying with me a long time; then Mr. Kemshead got up, and said he should oppose it to the utmost of his power, on account of the estate.

2487. Did any other magistrate say anything?—I think one gentleman said something.

2488. But what Mr. Kemshead stated upon that occasion to the bench seemed to satisfy them?—There is no doubt whatever he said was almost law.

2489. No person upon the bench supported your application?—No; I think the general feeling would be, that when Mr. Kemshead speaks against, nobody else will say anything in favour of a licence.

2490. Mr. Kemshead always attends?—He always attends.

2491. The other 13 are not so regular?—Not all of them; Mr. Whiskin, the chairman, is generally there.

2492. Was any statement made to the effect that your landlord's lease had a restrictive clause in it?—Yes; there was mention made of that, and I denied it.

2493. Then the magistrates were aware that there was no such restrictive clause in your landlord's lease?—Yes, from what I stated; I stated that my lease was a correct copy from his lease.

2494. Was the copy produced?—My lease was produced.

2495. Did Mr. Kemshead make this statement, that there was a variance between your lease and your landlord's?—I cannot say whether it was from Mr. Kemshead or from one of the other magistrates; but there was something said about that.

2496. Upon those grounds were you advised not to appeal?—I was advised not to appeal on account of the expense. I had no idea that the expense was so small, or I should have appealed; as another party has appealed, and got a licence.

2497. Lord *D. Stuart.*] What would be the expense?—I now understand it is only 8 *l.* or 9 *l.* I understood it was about 100 *l.*

Mr. *F. Darbey.*

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2498. *Chairman.*] You are now too late for this year?—Too late for this year.

2499. Do you hold under any brewer?—No, it is my own house.

2500. Are you open to procure your beer from any brewer?—Yes.

2501. Do you know who the other houses in the neighbourhood belong to?—The Royal Oak is in Reid's hands, and the Lord Hill is in Reid's trade.

2502. And Meux has now got Scantlebury's?—Yes. The Royal Oak changed hands upon the last sale, and then changed brewers.

2503. Then yours would be about the only free house in the neighbourhood, if you got a licence?—I believe it would, almost.

2504. Do you know whether that had anything to do with your being refused a licence; whether there was any interference on the part of the brewers?—I cannot say whether there was or was not.

2505. Did Mr. Kemshead make any complaint of the conduct of your house?—Not the slightest; I went over and saw him two days before the licensing day; he said, that if I could get Mr. Gutch's sanction, then he would not oppose it; but of course I could not expect to get a sanction from Mr. Gutch when he knew that Mr. Kemshead was against it.

2506. There has been nothing said against your house?—Not the slightest; I have never had a complaint from the magistrates or the police.

2507. Did your neighbours wish you to have this licence?—Yes; I think I have got nearly the whole of the neighbours all around me in my favour.

2508. You never were in this trade before three years ago?—I was not.

2509. Mr. *Brown.*] Do you think it would add to the respectability of the beerhouse-keepers if they had to give security for keeping a beerhouse; a bond for 50*l.* or 100*l.*?—We have at present to give a bond for 40*l.*

2510. Do you know any instance of that ever being enforced?—I do not.

2511. Does the enforcing of the bond rest with the magistrates?—I cannot say.

2512. Do not you think that, assuming that the beerhouses and the public-houses were put upon the same footing, if there was a very summary power to take away the licence from an ill-conducted house, it would tend to keep only respectable people in the trade?—They have the power at present to take away the licence after a second conviction; but they have no power to prevent another licence being granted.

2513. Supposing that an individual, seeking to keep a beerhouse or a public-house, had to give bonds and securities to the magistrates, would not the effect be that the parties who so became bondsmen would look after the character of that individual, and that a man of bad character would not be likely to get security on his behalf, provided that there was a certainty that the bond would be enforced in the event of the delinquency of the beerhouse-keeper?—I think it would tend materially to make the houses better conducted, and that it would raise the houses.

2514. And the respectable beerhouse-keepers are anxious that the beerhouses should be respectably conducted?—There is no doubt about it, I think; I can speak for myself.

2515. Is not it the interest of the brewer, where he owns the house, without looking much at the respectability of the tenant, that a pugilist, or a gambler, or some man of notorious sporting character, should go into the house, and occupy it, in order to make a great draught of beer?—I have had so little experience of those houses, that I cannot state as to that.

2516. But the object of the owner of the house is that its value should be increased without reference much to the character of the tenant?—There is no doubt about that. The Royal Oak, which is the nearest house to me, has lately been sold for an immense sum; altogether the value they put upon it is hard upon 20,000*l.*

2517. Mr. *Fitzroy.*] Is that just at the corner where the omnibuses stop?—Yes.

2518. Mr. *Frown.*] What was the value of that house without a licence?—Formerly it was sold for 500*l.* The lease for a term of 13 years has been sold for 6,500*l.* Then a 30 years longer term beyond that sold for 3,500*l.* more, and there is an increase of rent. It paid 45*l.* previously; it now pays 70*l.* a year; and they have taken away the garden at the back to build three houses on; that is valued at between 40*l.* and 50*l.*

2519. Do

2519. Do you think that more competition would cause the public to be better served?—I should say that it would make them sell better spirits than they may do now.

2520. As a matter of course, it would decrease the value of the property?—I suppose it would.

2521. Do you think it desirable to allow every honest man to be licensed to keep a beerhouse or a public-house that would give proper securities?—The plan I myself would propose, would be to try the question by a jury, the same as civil causes. To have a jury appointed, and then let them go out in an omnibus to the premises, with two proper officers with them, and let them come back again to the court, and a judge should be appointed to tell them the state of the law, and let it be decided by the jury.

2522. Can you fancy that any jury can judge so well of the wants of the public as the public can itself?—But it should be by the same rule that we have now, by having petitions got up for and against.

2523. But those petitions are frequently got up in a very careless manner by the parties interested?—Yes; you cannot judge of them but by the signatures.

2524. Mr. *Fitzroy.*] You would recommend that the suitableness of the premises should be the only condition of the licence?—Yes.

2525. *Chairman.*] And you would not object to the licence being taken away upon a conviction of any serious offence against the law?—I should say that then it ought to be taken away altogether.

2526. Do you think that would have the effect of keeping the trade in respectable hands?—Yes, it would keep them from infringing any part of the law.

2527. You do not object to police regulations?—Not in the slightest degree.

2528. You do not complain of the regulations?—Not at all.

2529. Have you any suggestion to make as to their being more stringent?—No; the police visit me on the Sunday morning, and they come at night to see that the place is closed at proper time; sometimes they knock at the door to see if there is anybody in the house.

2530. And no respectable man in the trade objects to those visits of the police?—Not that I have heard.

2531. Would you suggest that the publican should have the power of calling in a policeman to clear his house?—I did not know that he had not that power; because, if I have any disturbance in my house, I call in the police to clear it.

2532. Do you find that a convenience?—No doubt about it; if I have any disturbance in my place, I go outside and tell the police that there are two or three rather racketty men who have come in (they sometimes come in from another house), and would they be kind enough to remove them, and they will come in and take them out; I never heard of any difficulty in that.

2533. Sir *G. Goodman.*] What portion of the value of that house near you, which you state is worth 20,000*l.*, would be the stock in trade?—That is merely for the good will of the premises; it has nothing to do with the stock in trade; the stock in trade, I think, amounted to something like 6,000*l.*, or 7,000*l.*, or 8,000*l.*; the stock originally was 13,000*l.* They had very extensive cellars, and they got a great stock of wine of every description.

2534. Lord *D. Stuart.*] It seems that one reason why you were refused a licence was, that it was supposed that there was a restrictive clause in your landlord's lease forbidding it to be opened as a house of that description; you say that is not the case?—That is not the case.

2535. But you appear not to have had the means at the time of satisfying the bench that such was not the case?—It was impossible for me to get it, for my landlord would not let me have the lease; he wished to insert a restriction against beerhouses and licensed victuallers, but it was not in his lease.

2536. Was the bench of licensing magistrates aware that there was no such restrictive clause in the lease?—Mr. Alderman Wire told them on the last occasion, and Mr. Ballantine on a former occasion told them, that such was the case. But immediately Mr. Ballantine came into court he said to me, "You have not the slightest chance, as Mr. Kemshead opposes you; you had better withdraw the application." I said, "There will be something stated about my lease not allowing the business to be carried on in the house." I said I should wish it to be brought on; I produced the lease, and Mr. Baylis, one of the magistrates, took it up and read the lease. He said to Mr. Kemshead, "There is no clause here restricting the house from being used for this business;" and Mr. Kem-

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shead said he knew better, or something of that sort; and for that reason Mr. Baylis gave it me back again, and then I withdrew the application.

2537. Mr. *Brown.*] You say the Royal Oak, some years ago, cost about 500 *l.*, and has increased in value to 20,000 *l.*?—Mr. Sulsh gave 3,500 *l.* to go in there nine or ten years ago, and after being in the house nine years he sold it for 6,500 *l.* Then there was an arrangement between Mr. Young, the present occupier, and Mr. Gardiner, who had purchased the reversionary interest of this house from the former occupier for 800 *l.* To get a long term he had to give 3,500 *l.* to Mr Gardiner, upon condition that Mr. Gardiner should take away the ground from the back of the house, which is a garden, to build three houses. There has been a wine department, for the sale of bottled wines, put to it since. I think that cost 600 *l.* or 700 *l.*

2538. The present value is 20,000 *l.*?—That is about what it fetched; but that is not what they consider the value of the house now, because money has been paid for an increased term, and a higher rent has been put upon it.

2539. *Chairman.*] Is that the house that is near the Lord Hill, (*pointing to the Plan*) which has been licensed this year?—It is next to it; it is the next over the bridge; the railway bridge divides the two houses.

2540. Who got the licence there?—Mr. Sewell.

2541. Is he a publican?—No, he is a house decorator.

2542. Mr. Kemshead had no objection to him?—Mr. Kemshead said, that he had opposed the house strenuously on former occasions, but that circumstances had altered since, and that now he should sit down and not vote either way.

2543. Mr. Kemshead originally opposed it, and now he said he should not oppose it, owing to a change of circumstances: do you know what the change of circumstances was?—I cannot say. They licensed another house to supply the neighbourhood, on the opposite side of the road, as well.

2544. Mr. Sewell is a house decorator; did he go into the public line?—No; it is for sale; he altered the house; made an addition at the garden end of the house, and made an alteration in the lower part; and it is for sale now.

2545. Improved by the value of the licence?—Yes. This time last year they offered to sell the house for 1,300 *l.*; now they want 5,000 *l.* premium and 100 *l.* a year rent.

2546. Is that thought to be unreasonable?—People generally suppose that it is rather too high a price; they have not met with a customer yet for it.

2547. What was the meaning of Mr. Kemshead sitting down and not voting either way; did he mean that he thought it ought not to be licensed?—I cannot state what his opinion was.

2548. He had no connexion with Mr. Sewell?—I cannot say.

2549. Mr. Sewell had nothing to do with the Bishop of London's estate?—No.

2550. There was not the same objection to his house as there was to your house?—There was not the slightest objection raised to the house, except that it decreased the value of a publican's house next door, on the other side of the bridge.

2551. Had Mr. Kemshead any other objection to you than that which you have stated; that he said he was bound to protect the estate?—That was all.

Mr. *Alfred Walker*, called in; and Examined.

Mr. *A. Walker.*

2552. *Chairman.*] WHAT are you by business?—A British Wine Manufacturer.

2553. Are you obliged to take out a licence for that?—Yes; a licence at one guinea per annum is required, in order to sell British wines.

2554. Do you sell them upon your premises?—They may be sold by the bottle; the guinea licence permits the holder of it to sell wine by the bottle or by the gallon.

2555. Not to be drank on the premises?—Not to be drank on the premises.

2556. You can sell a less quantity than one gallon?—It is so; but the law is in a very uncertain state as to whether the licence allows wine to be sold by the glass, to be drank on the premises. My object in attending here to-day is to make some suggestion for the improvement of the law. The position of the law is this: a confectioner, for example, desires to retail wines by the glass over the counter; but the present licence says that he is not at liberty to do so. It would be a great advantage to people in the country, if holders of these licences were at full liberty to retail wines over the counter by the glass.

2557. Do you confine that opinion to British wines?—British and foreign too. I think

I think there should be a consolidated licence of one guinea per annum, and that that licence should enable the parties to sell by the glass over the counter.

2558. You mean that it would be convenient if that licence were granted?—It would.

2559. Mr. *Fitzroy.*] Do you pay the same for a licence for selling British wines that is charged for a licence for selling foreign wines?—No. The licence for selling foreign wines varies. A general wholesale licence for the sale of foreign wine is ten guineas per annum.

2560. What do you pay for a licence for selling British wines?—We are manufacturers, and supply the trade; we pay a guinea for selling.

2561. *Chairman.*] Upon what grounds do you state that it would be convenient to allow wines to be sold by the glass?—I have been 16 years in the trade, and we supply the dealers in every town in England, grocers, confectioners, and a few licensed victuallers; and we are frequently applied to to know whether these wines can be retailed by the glass over the counter. Some attempts have been made, on the part of the Excise, to inform against parties selling British wines, for having retailed them by the glass over the counter; and the public generally regard it as a very great hardship that they are unable to purchase a glass of ginger wine when they are taking refreshment. Take the case of a country town on a market-day; the farmers and their wives come into the town to make their purchases; a farmer's wife desires to have a glass of wine; but under the present law, she cannot have it unless she goes to a public-house, and many of them have great objections to do that, and would prefer to have it at a confectioner's.

2562. You are not a foreign wine merchant?—I am not.

2563. You are speaking now from what you hear from your customers, that it would be a great convenience if they could sell British wine by the glass?—Yes; and I would suggest that the two licences should be changed into one; that there should be only one licence; the Excise are constantly laying informations against parties who sell our wines, and charging them with selling them as foreign wines; the exciseman, being an ignorant man, perhaps, knows nothing about wine; he scarcely knows sherry from port, except by the colour; and consequently the holders of these licences are subjected to great inconvenience, arising from their being exposed to these informations.

2564. A licence to sell foreign wines is granted to the publican?—It is granted to the wholesale dealer, and it is granted to the publican.

2565. What objection has the exciseman to their selling a glass of British wine as a glass of port wine; is the revenue defrauded?—No, it is not defrauded if the wine is sold as British wine; the dealer sells it as British wine, acting upon the principle of his licence; but it would be at the pleasure of the exciseman to lay an information against the grocer or confectioner; he may do that, and a conviction may be obtained by the exciseman, for selling that sort of wine for foreign wine, which really is British wine.

2566. Is not he obliged to give proof?—There is no other proof than his oath required; there have been several convictions.

2567. The man swears that port wine has been sold instead of currant wine?—The man swears that British port wine is foreign port wine.

2568. Mr. *Fitzroy.*] Is not the wine produced before the magistrates, before a conviction takes place?—That has been done; but the magistrate may not be in the habit of drinking British wine.

2569. Is the imitation so perfect that he would not know the difference between the two?—It is of such a character that many publicans themselves are quite unacquainted with it.

2570. Mr. *Brown.*] Would not all the difficulty be obviated by paying for a licence for selling foreign wines?—But that would be a heavy tax upon the parties; such a high licence operates greatly against the public interest, and moreover, would not allow wine to be sold by the glass.

2571. *Chairman.*] You would reduce the licence and have it uniform for foreign and British wine?—I would have a uniform licence of one guinea; and it should be sold by the glass over the counter; I know of no reason why drink should not be as free as other articles in that respect.

2572. Lord *D. Stuart.*] There is British sherry, is there not?—Yes.

2573. And it is so like the foreign wine that it is difficult to distinguish between

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the two?—Yes; it is made from foreign grapes in England, and therefore it is very much of the same character.

2574. Mr. *Fitzroy.*] Do you supply many publicans with these British wines?—No, a very limited number; chiefly confectioners, druggists, and grocers.

2575. Are there any persons who sell nothing else but British wines?—There are a limited number.

2576. *Chairman.*] Is the consumption of those wines increasing?—It is.

2577. If you had the power to sell both foreign wines and British wines, would you see any hardship in paying for the licence what is now paid for a licence for selling foreign wine?—I think it would be an enormous tax to impose upon a party just commencing trade; in many cases it would add one or two, or even 20 per cent. to the cost of the article to the public, whereas a 1 *l.* 1 *s.* licence would not enhance the price to the public.

2578. Might it not favour frauds, if there was but one licence for both foreign and British wines, so that the same person might sell both across the counter; might it not lead to mixture, or the substitution of the one for the other?—There is nothing to prevent that being done now; there is no excise survey.

2579. When a person asks for a glass or a bottle of British wine, he would not be supplied with the more expensive article at the lower price?—No; I take it for granted that he would be supplied with the article he asked for.

2580. It is not likely that foreign wine would be substituted for British wine?—No; because the price would not admit of it. I do not see that the two wines would come into collision,

2581. In giving this opinion to the Committee, whom do you represent; are you representing people in the same trade with yourself, or confectioners, and persons who deal in these British wines?—I would rather say public convenience.

2582. Mr. *Fitzroy.*] Do you know of any evil that attends the present system beyond that of some inconvenience to certain persons that they cannot get a glass of wine across the counter?—I think the general licensing system has the effect of enhancing the price, of leading to the sale of a bad article, and of limiting the revenue, and as it regards the effect upon the morals of the community, I think it is susceptible of great improvement, as many respectable persons would consume wine in a confectioner's shop, who will not enter a public-house.

2583. The ten-guinea licence for a person doing any business at all would be a scarcely perceptible per-centage upon a glass of wine?—Upon a glass it would not, if the quantity sold were large, otherwise it would add very considerably.

2584. *Chairman.*] Have you made any calculation as to the difference it would make in the price of these wines, if you were not obliged to take out a licence?—If you allude to the mere British wine licence of one guinea per annum, I do not imagine that the amount of that per-centage in the cost of British wines sold over the counter would be anything considerable; but the present state of the law restricts the number of parties who sell. I think the less restriction there is on selling the better for the public and the revenue.

2585. Have you had a legal opinion as to whether any customers of yours would be prevented from selling a glass of British wine over the counter?—The law is in an uncertain state with regard to that. The licence says, "not to sell the same to be consumed in the house or premises of such retailer," and that is put in italics by the Excise.

2586. Mr. *Brown.*] Would you consider it an advantage if you were compelled, when you sold by the bottle, to give imperial bottles?—No. I understand honest wine merchants' measure to be six bottles to the gallon. It is different with regard to beer. An honest wine bottle means one-sixth of a gallon.

2587. An honest bottle is a quart, is it not?—That is, if it is sold as a quart; if it were sold as one-fourth of a gallon, undoubtedly it would be so.

Veneris, 3° *die Junii*, 1853.

MEMBERS PRESENT.

Sir George Grey.	Mr. W. Brown.
Sir John Pakington.	Mr. Fitzroy.
Lord Dudley Stuart.	Mr. Barrow.
Lord Ernest Bruce.	Sir George Goodman.
Mr. Charles Villiers.	Mr. Gregson.

THE RIGHT HON. CHARLES PELHAM VILLIERS, IN THE CHAIR.

James Bancroft, called in; and Examined.

James Bancroft.

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2588. *Chairman.*] ARE you a beer-seller?—Yes.

2589. Have you applied for a licence for a public-house?—Yes.

2590. To what district of magistrates did you apply?—To the higher division of Blackburn, the Blackburn hundred.

2591. The magistrates who attend for the hundred of Blackburn?—Yes.

2592. Have you applied several years running for a licence?—Yes.

2593. And you have always been refused?—I commenced applying in 1850; that was my first application.

2594. You had a licence from the Excise before?—Yes.

2595. How long before you applied for the magistrates' certificate?—In 1840 I commenced as a beer-seller.

2596. You had been several years a beer-seller before you applied for a licence?—Yes.

2597. Why were you refused a licence, do you know?—No, I do not know; I know why, partly. I was opposed by a neighbouring landlord, for one thing.

2598. Was he a magistrate?—No.

2599. He attended to oppose your application?—The property belongs to one James Hargraves, a very wealthy attorney of Newchurch.

2600. Your house belongs to him?—No, the house that was opposed to me; the next neighbouring public-house upon the road where I live.

2601. You say he applied at the same time that you did?—No, I applied; he has a house licensed, and he opposed my having one.

2602. He has a licensed house, and when you first applied he appeared before the magistrate and opposed your getting a licence?—He engaged counsel to do it.

2603. On what ground did he oppose your licence?—He said it would injure his property.

2604. He was not on the bench himself?—No.

2605. On his representation they refused you?—Yes, of course.

2606. What year was that?—In 1848.

2607. Did you apply in the next year, 1849?—Yes.

2608. Did he oppose you again?—Yes.

2609. Did he succeed?—Yes.

2610. In 1850 did you apply again?—I did.

2611. Did he oppose you a third time?—Yes.

2612. Did anybody else oppose you?—Yes.

2613. Did you apply in 1851?—I did not appear; I served a notice, but did not appear.

2614. Then there was no application to the magistrates at that time?—No, not at that time.

2615. Has anybody got a licence in that neighbourhood since then?—Yes.

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2616. You did not apply in 1852?—Yes, I did, but there was some fault in the notice, and the case was thrown aside.

2617. You were not refused then?—No, I was not refused then; I had not a trial.

2618. Was any other house licensed in your neighbourhood, notwithstanding the opposition offered by that person?—Yes, there was in 1850.

2619. In 1850 there was another house licensed?—Yes.

2620. Was that near yours?—That was at the same time that I applied.

2621. Was it near yours?—It is two miles perhaps from my house; it belonged to one John Lord, a magistrate. The first time I made application for a licence, in 1848, I solicited him for his support on the bench.

2622. Do you mean that the house which was licensed belonged to the magistrate?—Yes, certainly.

2623. That got a licence in 1850?—Yes, that was without opposition, at the same time that I tried.

2624. Do you mean that yours would have served the same customers that his would; are you so near together?—No, that would have made no difference between John Lord's and ours.

2625. How near were you?—Two miles.

2626. Both houses were in the midst of a populous district?—Yes.

2627. Was the magistrate to whom that house belonged on the bench at the time?—He was on the bench.

2628. Was he a licensing magistrate; did he attend on licensing days?—Yes, and sat on the bench during the time the licence was granted.

2629. First your application was made?—Yes.

2630. Was it then a question between his house and yours?—No.

2631. Then yours afterwards was refused, and his granted?—Yes.

2632. What had his to do with yours?—It had nothing to do with mine; we are in two different localities; but the difference is here, that that was my third application, and it was his first.

2633. Nobody attended to oppose him?—No.

2634. Was his near any public-house?—Within a mile.

2635. Was it near the same man who opposed yours?—No, it was something like half a mile, or rather better, to the nearest house.

2636. Your house was nearer to that person's than the magistrate's was?—Yes, but mine was in a more populous situation.

2637. Did he decide upon his own licence?—I was not in the room during the time it was decided; I was in the room during the examination.

2638. How many magistrates attended?—I believe better than 20.

2639. Twenty attended when the magistrate got his house licensed?—There were more; 25.

2640. Did you ever hear such a case before or since then of a magistrate getting his house licensed when he sat on the bench at the time?—I am not aware.

2641. Did you ever hear of another magistrate having his house licensed?—Yes.

2642. When was that?—In 1851.

2643. 1850 was the year the other magistrate's house was licensed?—Yes.

2644. In 1851 you heard of another?—In 1851 there was a case of a house that was built on the magistrate's ground.

2645. Was he one of the magistrates who attended the licensing?—No; he did not sit in that district.

2646. He is a magistrate for the county?—Yes; his property lay in the district of Blackburn, and he is in the Middleton district.

2647. How far is that ground from your house?—About two miles and a half, perhaps.

2648. Was the house ready for accommodation when the licence was given?—Partly.

2649. He was building a house when the licence was given?—Yes.

2650. Who did the house belong to?—It belonged to a man named Ashworth.

2651. Had he any connexion with the magistrate who owned the ground?—Yes.

(*Here*

(*Here the Witness was directed to withdraw; after some time the examination was resumed.*)

2652. What connexion was he; what connexion was Ashworth of the magistrate's who owned the ground; was he a tenant?—No.

2653. What had he to do with the magistrate?—He built the house and let it.

2654. Did he hire the ground of the magistrate?—Yes; he took it at a ground rent.

2655. Did he build a house after he got the ground?—Yes.

2656. And then he got a licence?—Yes.

2657. Was the magistrate who owned the ground on the bench?—Not at that time. He applied to the petty sessions, and through the magistrate belonging to that property not being on the bench the licence was refused at the petty sessions, but he appealed to the quarter sessions, and the tenant himself told me that the magistrate wrote a letter to the gentlemen on the bench at the quarter sessions, and then his licence was granted.

2658. You say the magistrate who had the ground wrote a letter to recommend the tenant to have the licence?—The tenant told me so personally.

2659. Had he then begun to build the house?—The house was partly up.

2660. And through the influence of the magistrate who owned the ground he got the licence?—Yes.

2661. Do you know, of your own knowledge, that he wrote that letter?—No; only what the tenant told me.

2662. What is the name of the tenant?—John Greenwood.

2663. Does he live in that house now?—No, he has let it.

2664. How soon did he leave the house?—I cannot tell you exactly.

2665. Was the house ever finished?—Yes, it has been finished since.

2666. And that was a public-house?—Yes, and at a turnpike.

2667. Does the ground still belong to the magistrate?—Yes.

2668. You do not know who the house belongs to?—The house belongs to Richard Ashworth.

2669. Is this house two miles from yours?—Yes, it is better than two miles; it is on another road; it is in the same township.

2670. Then granting a licence to that house could have nothing to do with refusing it to yours?—No.

2671. Have you ever appealed to the quarter sessions against the decision of the licensing magistrates?—No.

2672. Why did not you appeal, if you thought the decision was wrong?—Because of the expense.

2673. What would have been the expense of an appeal?—£. 30 or 40 *l.*; I had not it at the time.

2674. Could not you have appealed to the sessions under 30 *l.* or 40 *l.*?—No.

2675. Is the house your own?—Yes.

2676. Is it near a colliery?—Yes.

2677. Was there any other house licensed near that colliery?—No.

2678. Have you got now only a beerhouse?—No.

2679. Sir *G. Grey.*] Has any information been laid against you since you kept that house; you opened it in 1840, you say?—In 1848.

2680. But you have kept a beerhouse since 1840?—Yes, in the same locality.

2681. Has any information been laid against you by the police since 1840?—Yes.

2682. How many?—In 1843, one information only.

2683. What was that for?—For filling a quart of ale to three strangers on a Sunday forenoon.

2684. When you applied for your licence, was that information brought against you; was that stated as one of the grounds for the refusal?—No.

2685. Nothing was said about that when your licence was applied for?—No.

2686. Sir *J. Pakington.*] Did the magistrates know of it?—I should think they did.

2687. Sir *G. Grey.*] Is that the only information that has been laid against you during the whole time you have been a beerhouse keeper?—Yes.

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2688. Do the police frequently come into your house?—Yes.

2689. Is it the county police?—Yes, the county police.

2690. I think you said the house was your own?—Yes.

2691. Is it a freehold?—No, a copyhold.

2692. What would be the increase in value of that house if you obtained a licence?—From 10 *l.* to 15 *l.* in rent.

2693. What do you reckon the value of it now?—It is rated to the poor at 22 *l.* 10 *s.*

2694. Do you pay rent for it?—No, I pay rates for it; it is rated to the poor of the township.

2695. It would be increased in value by 15 *l.* a year if you got your licence?—Yes.

2696. *Chairman.*] These are not the same magistrates; this is not the one whose ground was built upon; you stated two cases, did not you?—Yes; there is another yet to state.

2697. When was the other?—In 1852.

2698. Were you again refused in 1852?—I applied again in 1852, but they found some fault with my notices, and my case was thrown aside; there was another house at the same time built on another magistrate's ground; that obtained a licence.

2699. There was no objection to his having a licence; he complied with the forms of the law?—Yes.

2700. His notice was regular?—Yes.

2701. And he got a licence?—Yes.

2702. Was the magistrate on the bench whose land was built upon?—No, he was not on the bench at that time.

2703. Sir *J. Pakington.*] Were you at the petty sessions at the time which you have last spoken of, when your notices were irregular, and a licence was granted for a house on a magistrate's land; did you hear what passed?—Yes, one thing.

2704. Did you hear what was said?—No, I was not there.

2705. Do you know how many applications for licences were made at those sessions?—I cannot say.

2706. Do you know whether there was any besides yours whose notice was bad, and the other whose notice was good?—Yes.

2707. Were there other applications?—There were two out of the immediate neighbourhood; their notices were good, but they were refused a licence.

2708. Two were refused, and one was granted?—Two were both refused.

2709. One was granted?—There was one granted.

2710. In the other case you spoke of, you said the magistrate gave a building lease; how long was that lease for?—Nine hundred and ninety-nine years, I believe.

2711. Was the adjacent land there let by the proprietors on building leases?—Yes; some of it.

2712. Was there any higher rent paid under that building lease for the land where the public-house was built than there was for the other land for building?—I cannot speak to that; I have heard it reported that, provided a licence were obtained, the ground rent would have to be more.

2713. That is only on report?—Only on report; I cannot vouch it.

2714. How do you know that the magistrate to whom that ground belonged wrote a letter to the bench; did you ever see the letter?—No; I never did.

2715. Did the man who told you ever see it?—He told me he took it with him.

2716. *Chairman.*] That is the man who applied for the licence?—Yes.

2717. He took the letter with him, and he got the licence?—Yes.

2718. Sir *G. Grey.*] Are there any other beerhouses in the immediate neighbourhood of yours?—Yes.

2719. How many?—There is a great number.

2720. Within what distance?—There are two within a mile: one on each side of the road; one this way and the other that way.

2721. Have the owners of those houses ever applied for a licence?—Yes; one of them.

2722. Sir *G. Goodman.*] How far is your house from Newchurch?—About a mile.

2723. Is

2723. Is it towards Bacup?—No; between Newchurch and Burnley. *James Bancroft.*

2724. Is the population great about you?—Yes.

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2725. Are there mills and manufactories near to you?—Yes; four mills are building at the present time within 100 yards.

2726. Sir *J. Pakington.*] Are you in the county or the borough?—In a township in the county.

2727. Mr. *W. Brown.*] You spoke of a beerhouse-keeper near you applying for a licence; did that beerhouse get a licence?—Yes.

2728. Who did that beerhouse belong to?—It belongs to the man who lives at it, Andrew Taylor.

2729. Is he a magistrate?—No.

Henry Croft, called in; and Examined.

2730. *Chairman.*] WHERE do you live?—At Hurst Green, Salehurst, Sussex. *Henry Croft.*

2731. Do you keep a beerhouse?—Yes.

2732. Is there a petty sessions of magistrates there?—Yes.

2733. Where they attend to grant licences?—Yes.

2734. And you applied, did you?—Yes.

2735. How long have you had an Excise licence for a beerhouse?—Nine years.

2736. Have you ever been informed against?—Yes.

2737. What was that for?—Having the house open an hour and 20 minutes after my time, on Saturday night, eight years ago.

2738. When did you apply for the licence?—In 1847, 1848, 1849, 1850, 1851, and 1852.

2739. That is six years?—Yes.

2740. And you have been refused every time?—Yes.

2741. Somebody else has been more fortunate than you?—Yes, a magistrate on the bench has been so. He has had three licences since I have been at Hurst Green, for different houses, and he had already two before.

2742. Do you mean different tenants of his have applied at licensing time for licences?—Yes.

2743. For three houses since the time you first began to apply?—No, there were two houses before and one since.

2744. You say there were five altogether?—There was one left him, one he has bought, three have been licensed since.

2745. He began to apply in 1847?—One has been licensed since I applied.

2746. The others were licensed before 1847?—Yes.

2747. In what way did he get the licence; was it by applying?—Yes.

2748. Was the magistrate on the bench when the tenant applied?—He withdrew a little.

2749. He attended?—He was there.

2750. What is the name of the man who applied?—One Hiscocks.

2751. That was in 1847 he applied?—Yes.

2752. Has he a house in your neighbourhood?—Yes, three; and another building near my house with the view of being licensed.

2753. Had he applied before?—He applied twice before he got it; the one at Etchingham.

2754. Did anybody oppose him then?—Yes, one applied at the same time; I do not know that he opposed him particularly.

2755. Did the other person get a licence?—No.

2756. Was this the only man who opposed you?—There was nobody opposed me, only Sir Peckham Micklethwait and his tenants.

2757. You say somebody applied at the same time you did?—In the years 1849 and 1850.

2758. And you state from your own knowledge that man was a tenant of Sir P. Micklethwait's, the chairman of the bench?—Yes.

2759. Is he now in the occupation of that house?—No, he has since left it.

2760. How long was he in the occupation of that house, before he got a licence?—Not two years.

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2761. *Chairman.*] WHERE do you reside?—At the Priory, Pendleton, near Manchester.

2762. You are a magistrate, and have been mayor of Manchester?—Yes, two years.

2763. Are you the present mayor?—No; the years of my mayoralty were 1846-47, and 1847-48.

2764. You have acted for a number of years in Manchester?—As a magistrate, 12 years.

2765. You have been in the habit of attending the sessions, where they grant licences to public-houses?—Yes.

2766. Applications are there made for licences, and also for renewals?—They are.

2767. Is there any particular rule on which you proceed in granting those renewals or original licences?—With respect to new licences, parties wishing to have property licensed make application two months before the licensing day. After the applications are all come in, the magistrates have a meeting of their whole body, and they depute about six or eight to go round, and see the houses in the localities applying. They appoint a sub-committee, and they visit each house, and make a separate report of each house to the whole bench of magistrates, recommending such houses to be licensed as they think fit.

2768. What determines that recommendation?—In the first place, the neighbourhood where the application is, as to the number and wants of the inhabitants; secondly, the respectability of the house, and its accommodation; and thirdly, the character of the person owning the property, and that of the tenant.

2769. The character of the person owning the property, and that of the tenant?—Yes; the person likely to be the tenant.

2770. He is the person who actually applies for the licence?—The tenant applies for the licence.

2771. How are you made aware of the owner of the house, then?—It is always stated in the application whose house it is.

2772. Whether it belongs to the applicant, or somebody else?—Yes.

2773. And you make inquiry as to the character of the owner, and that of the person he is going to put in?—Yes; we license the house, we do not license the tenant.

2774. But you make some inquiry as to his character?—Yes.

2775. The magistrates, after they have visited the house, make a report probably on any particulars affecting the property applying for a licence?—Yes.

2776. Is there any rule invariably observed by the magistrates of Manchester in ascertaining the requirements of the districts as to any proportion of the houses and population of the neighbourhood to the other public-houses?—No; they have an Ordnance map for the use of the magistrates, and a small star is placed on every street or place where there is a public-house; so that we see at once that there is a public-house, we will say, in C—— street, and it appears from the space around there is not a house in the neighbourhood; we submit that to the bench of magistrates as a body; that is, having seen the house itself, we report that there is not a house in the neighbourhood, and it would be advisable to license that house. We have no rule as to the number of inhabitants.

2777. But you have a rule with respect to the other public-houses in the neighbourhood?—The other houses that have been licensed apply for a renewal, and the licences are renewed if there are no complaints.

2778. But you do not grant a new licence where there were plenty of houses before?—Never.

2779. Sir *J. Pakington.*] On what principle do you decide whether there are plenty or not?—One's own common sense would suggest, that if there be one public-house in a street, there is no occasion for another within 50 yards of it; if it be 150 yards, there may be such occasion.

2780. Is that really your rule; viz., one public-house in every street, or one in every centre, with a radius of 150 yards?—No, by no means.

2781. Then with what object do you mention those particular distances?—If a person applied for a house to be licensed in a place where there was one within 50 yards, we should say at once there was no occasion for it, but if it was 150 yards.

yards there might be occasion; it would depend on the character of the population; as to their being of a low class.

2782. Am I to understand that you act on the principle of allowing a public-house in every street?—No, certainly not.

2783. Or that there should be public-houses within 150 yards of each other?—We should not object, if there were a dense population, to grant a licence for a house if there were not one within 150 yards of it.

2784. Do you mean practically that that distance has been taken as your criterion?—No, it has not; we have never fixed any rule at all as to distance, but if we go into a street and see there ought not to be a public-house in that street, or if on looking at the map we see there is one in the street, and within a moderate distance, we do not license another.

2785. *Chairman.*] Will you state what is the object of this carefulness; is it with a view to the good conduct of the house itself, or the influence that a public-house may have upon the neighbourhood, or what is the object of that apparent interference with a trade which, in other cases, adapts itself to its own interest and that of the community?—We never grant a licence without its being recommended by the neighbours where it is expected to be situated.

2786. The applicants produce memorials, signed by the neighbours, recommending them to have the licence?—Yes.

2787. Without that you would not grant the licence?—Never.

2788. And besides that, the committee make personal inquiry before the licensing day?—Yes.

2789. Sir *J. Pakington.*] Are those inquiries generally directed towards the requirements of the neighbourhood, or towards the personal character of the applicant?—Towards the wants of the neighbourhood generally; it is very easy for any person to get a memorial signed in his favour as to character.

2790. Do you require such a memorial in the case of new licences?—We have never granted one without it; I do not think we ask for it, but it is invariably the case that it comes with the application.

2791. *Chairman.*] When the magistrates renew a licence, do they make any inquiry beforehand as to the manner in which the house has been conducted?—We have the police called before us. They report to us annually.

2792. Upon those houses?—Upon every house; every house that is complained of during the year is brought before us.

2793. The police complain in the shape of informations against the house?—Yes, but they are all brought before the court; they are recorded, and they are all brought before us.

2794. What is the practice of the magistrates in such cases?—If the house has been informed against and convicted, they sometimes discontinue the licence.

2795. What does it depend upon?—They never take the licence away before the expiration of a year.

2796. When they come for renewal, and you have the police called in, and you find that the house has been informed against and convicted, do you renew the licence?—We generally give them notice, when we fine them 40*s.* or 5*l.*, "This complaint will stand against you on the renewal day;" and they ordinarily expect to have the licence discontinued.

2797. And the practice is to withhold the licence?—Yes.

2798. Invariably where there has been a conviction?—No, never for a single conviction; because we have perhaps 50 or 60 complaints in the year against publicans, and we generally make a selection of a few of the worst.

2799. How many convictions are sufficient to induce the magistrates to withhold the licence on the application for a renewal?—It depends chiefly on the character of the offences; if it was harbouring prostitutes or thieves at untimely hours; we should consider that a graver charge than selling a pint of beer during the hours of Divine service.

2800. Then a former conviction is not of itself a ground of refusal?—It is the general character of the house.

2801. The general character of the house may be bad, but it may not have been informed against?—We do not refuse if they are not informedagainst.

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2802. Then it is the general character of the place which influences you in withholding the licence?—Yes.

2803. There is something like an invariable rule in that respect?—We have been going on several years, and we have not withdrawn any licence.

2804. Is that in consequence of the better conduct of these houses?—Yes.

2805. You think, then, that public-houses are well conducted at Manchester?—They are better conducted now than they have been for many years.

2806. There is no complaint made of their influence in demoralising the people?—Yes, there is, but we never can expect to have ginshops without that; it is the ginshops principally that there are complaints against.

2807. But there are not informations or convictions against them on that account for which you would withdraw the licence?—No.

2808. Who are the persons that inform against them?—The police.

2809. Have the police orders to watch public-houses, for the purpose of giving evidence against them?—They have.

2810. Who gives those orders to the police?—The watch committee.

2811. Who are therefore members of the corporation?—Yes.

2812. Is there any rule with respect to the persons composing the watch committee? Is there any rule which should preclude their having an interest in those houses?—I believe we have only two members of the corporation who have public-houses in Manchester.

2813. Is there any rule in the corporation as to the appointment of the watch committee, that no person having an interest in public-houses should be on that committee?—Not at all.

2814. Are there two members of the corporation whom you know yourself to be proprietors of public-houses, on the watch committee?—They are; they are two out of 23.

2815. And they appoint the police, I think you said?—Yes.

2816. Do the 23 members always attend when they appoint the police or suspend them?—Yes, it is the best attended committee we have in the borough of Manchester.

2817. Is there not a superintendent of police?—Yes; a very superior man.

2818. Has he any power of suspending or dismissing without the watch committee?—None whatever.

2819. Do they suspend and dismiss without any recommendation from him?—He is always attending the committee; he is a most active officer, to whom we give 500 *l.* or 600 *l.* a year, and he is actually present in the committee; we do not do anything without his opinion.

2820. Do you know whether any other member of the corporation has an interest in public-houses except those two?—I am not aware that there are more than two or three who have, out of 64 members.

2821. Have you made inquiries into that before you came here; can you speak with accuracy and confidence upon that point?—I am confident in my own mind we have not more than three.

2822. Not more than three members of the watch committee who have public-houses?—I think there are not more than two members of the watch committee; I think there is another member of the corporation who is an alderman, who has a public-house.

2823. Is he the owner of the house, or does he supply the house with beer?—I remember now, he is not the owner of a licensed house; it was a licensed house some years ago, but now it is only a beerhouse, so that I am not aware that we have a third person interested in licensed houses.

2824. Have you any brewer in the corporation?—Not one.

2825. Are there any large brewers in Manchester?—Yes, there are some large brewers, not a great many.

2826. Are they owners of public-houses?—Not generally; very few indeed.

2827. What is the number of public-houses in Manchester?—Four hundred and eighty-one.

2828. Licensed houses?—Yes.

2829. Do you know what proportion of those belong to brewers?—I do not; indeed we have not many brewers in Manchester; very few.

2830. Sir *G. Grey.*] What is the population of Manchester?—Three hundred and three thousand inhabitants by the last census of 1851; in 1843 we had 502 public-houses; in 1844, 490; in 1845, 482; in 1846, 487; in 1847, 482; in 1848,

1848, 475; in 1849, 480; in 1850, 1851, and 1852 there were exactly the same number, 481.

2831. Then there has been rather a diminution in the number of public-houses while there has been an increase of the population?—We have 19 public-houses less.

2832. What is the increase of population?—Very considerable.

2833. *Chairman.*] And a diminution of the offences for which publicans are informed against?—Yes.

2834. Sir *J. Pakington.*] The beerhouses are not included in that statement?—No.

2835. Has there been any increase in the number of beerhouses to make up for the diminution of the public-houses?—Yes.

2836. Can you give us the same information with regard to beerhouses, as to increase or decrease, which you have given with regard to public-houses, beginning at the same date?—Yes, in 1843 we had 781; in 1844, 850; in 1845, 1006; in 1846, 1089; in 1847, 1000; in 1848, 1143; in 1849, 1230; in 1850, 1298; in 1851, 1312; in 1852, 1465.

2837. *Chairman.*] Do you know whether all the 481 public-houses take out a spirit licence?—Certainly they do.

2838. Do you know much of the habits of the people of Manchester; whether they drink less spirits than they did formerly?—I think they do drink less spirits.

2839. Are there other rooms connected with the public-houses which attract the people?—There are some music halls.

2840. In a great proportion of public-houses?—No, very few.

2841. Have they been increasing of late years?—I do not think they have increased much during the last three or four years; I think they have rather decreased.

2842. Sir *G. Grey.*] To what do you attribute the decrease in the number of public-houses; have many applications been made for licences which have been refused by the magistrates?—We license three or four in the year; we refuse from 30 to 40; they are of such inferior quality, that we do not think it is desirable to increase them.

2843. Do you suppose that the rules laid down with regard to granting licences to public-houses have kept down the number in Manchester?—I think they have.

2844. Are you aware whether the persons who apply for those licences, and have been refused, have afterwards opened their houses as beershops?—I think they generally have; they generally apply for licences as beershops if they cannot get spirit licences.

2845. *Chairman.*] Do I understand that 30 or 40 of those that apply annually are refused?—Yes.

2846. All being subjected to these rules, which you say the magistrates lay down?—Yes.

2847. Have there been cases of persons appearing on behalf of other publicans to resist all fresh applications?—They generally appear by counsel.

2848. Do you know that sometimes in Manchester counsel or solicitors attend on behalf of existing public-houses, to resist all fresh applications?—Yes; it is very seldom the case; sometimes we have a counter-memorial.

2849. Sir *G. Grey.*] Are they ever opposed by counsel?—Yes.

2850. Who instruct those counsel?—The persons aggrieved.

2851. Individual publicans, or any association of licensed victuallers?—I think they are individuals who employ them.

2852. Publicans who fear a decrease of their own profits from the opening of a house in the neighbourhood?—Yes, and others.

2853. Then do the magistrates entertain an objection of that nature, and decide against granting the licence because they think granting it would interfere with a profitable trade of a public-house already existing?—They think it is unnecessary to license a second public-house where there is one already.

2854. But in cases where counsel oppose the granting of a licence, instructed by publicans in the neighbourhood, on the ground that the new house would interfere with his profits, is that the ground of objection made before the magistrates, and do they decide upon that?—No, never; they consider it themselves, and generally visit the house before they decide upon the application.

2855. Then what arguments do counsel use before the magistrates, that being the real ground of objection?—On the part of the applicant they bring a long list

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of signatures in favour of the application, and state that there are so many inhabitants within the locality, and only one public-house.

2856. I am speaking of the opposing counsel; what arguments does he address to the magistrates to induce them to refuse the application?—Of course he takes the view of his client, whatever that may be; he takes the very opposite ground to the applicant, by saying there is no occasion for the house.

2857. He endeavours to convince the magistrates that the population in that district are sufficiently supplied already?—Yes; he sometimes uses as an argument that the person has only been there two or three years, or that the house has only been licensed two or three years, and has had two or three tenants.

2858. Do the magistrates decide on the ground that increasing the number of public-houses will tend to increase drunkenness, or that they do not think the distribution of the supply ought to be disturbed?—We think if they are sufficient that they ought not to be disturbed.

2859. *Chairman.*] But with regard to existing interests, is it with a view to such interests that the licence is refused?—It operates very considerably with us; if you find that a house has been open three years, and there have been three tenants, and it seems to be respectably conducted, there seems to be no occasion for another; it is not paying any one so well as to bring a second to oppose it.

2860. Then the decision is rather in the interest of the existing publicans, than the interests of public morality?—We always find they deteriorate the lower classes very much, where there is a ginshop.

2861. Do you think the opening of a new one would increase the amount consumed, or only alter the distribution of the supply?—I think it would increase the consumption.

2862. Sir *J. Pakington.*] I understand you to say the magistrates are very much influenced by reference to the number of licensed houses, as compared with the population?—Yes; where there is a public-house which we consider sufficient for the neighbourhood, we do not ever license a second.

2863. Will you state to the Committee what was the increase of the population of Manchester, between the census of 1841 and the census of 1851?—I have not the census of 1841.

2864. Can you tell us generally what was the increase during that period?—I cannot.

2865. Is it beyond all doubt that the increase was very large?—Yes, I have no doubt of it.

2866. In refusing licences to the extent of 30 or 40 a year, on the ground that the supply is sufficient for the population, have you and your brother magistrates borne in mind the great increase of population during that period?—We have; but there is a better distribution of the public-houses than there was ten years ago. Formerly the licensed houses were principally in the middle of the town; but now improvements have taken down a large number of houses, and we have renewed them in the suburbs, so that the suburbs, where the increase of population exists, have public-houses where they were neither required before, nor was there a population to demand them.

2867. Have your decisions been at all influenced by the consideration, or have you borne in mind the fact, that while, in the last 10 years, the number of licensed houses is diminished, the number of beershops has almost doubled?—It has not influenced our conduct at all.

2868. Have you had any reason to think that the conduct of the licensed public-houses has been injuriously affected by the knowledge, on the part of the publicans, that if they forfeited their licences, and could not obtain a fresh one from the magistrates, they could obtain a licence from the Excise, and open a beershop?—No.

2869. *Chairman.*] I think you speak well of the conduct of publicans?—They are a very respectable body of men.

2870. Sir *J. Pakington.*] You have spoken of the improved conduct of publicans during the last few years; do you attribute that improvement in any degree to the establishment of the new police in Manchester?—I have no doubt it is, from their seeing they are better looked after.

2871. You think they are better looked after than they were?—I think they are.

2872. Sir *G. Grey.*] Is there much drunkenness among the population of Manchester?—I think not so much within the last few years.

2873. Does drunkenness arise chiefly from drinking spirits or beer?—Chiefly from beer.

2874. *Chairman.*] Do you know anything of the property of these houses; what description of persons own them?—I do not; we know very little of the owners of public-houses.

2875. You are made acquainted with the names when you grant the licences?—Yes.

2876. You do not know in what station of life the owners are?—No.

2877. You stated that the person to whom the licence is granted generally is not the owner of the house?—Yes.

2878. It belongs to a person in the town?—Yes.

2879. Generally a man of property?—Yes.

2880. What do you suppose the value of these houses is?—The value, I should think, increases about 50*l.* or 60*l.* a year by being licensed.

2881. Do you mean the rent?—Yes.

2882. Are these persons of the station of those who are elected councillors in the corporation who own these houses?—Yes; we have but one person who is a retailer.

2883. I am asking about the station of persons who own that description of property?—They are respectable people generally.

2884. Sir *G. Grey.*] Do you mean to say that by having a licence granted to it, the annual rent of the house is increased by 50*l.* or 60*l.*?—Yes.

2885. On what amount of rent?—£.50 or 60*l.*

2886. Do you mean that the rent is more than doubled by a licence being granted?—Yes.

2887. Do you know anything of the persons who occupy this property; are they men of capital?—There is not much capital brought in; it is a poor business.

2888. *Chairman.*] Do you attend on transfer days as well as licensing?—Yes.

2889. Are there many transfers?—I have known 160 in the year.

2890. How many transfer days are there?—About six; a third of the number of licences granted in Manchester are transferred; the same house may be transferred twice a year.

2891. That is, a transfer from one publican to another?—Yes.

2892. Are there sometimes two or three occupiers of the house in the course of a year?—That is the case.

2893. Do you know why so many people change?—It is a great temptation for a person to get into a public-house, but I think they are generally deceived; they stay a short time, and are either sold up or obliged to run away.

2894. Does the stock generally belong to the occupier of the house?—I think so, generally, except in the case of a ginshop; that is in the hands of the wine and spirit merchant.

2895. How do you distinguish a ginshop from a licensed victualler's house, if they all have a right to sell spirits?—They have; but a gin shop converts part of the house into a gin palace, and we do not allow that; we have not allowed it for the last 10 years.

2896. What do you mean by converting a portion of the house into a gin palace?—It seems the gin palace is of late date; 20 years ago there was no such thing; they convert a portion of the house into a gin palace, where people go in and take a glass at the counter and go away, doing away with sitting accommodation.

2897. You do not encourage that?—No; ever since we were incorporated we have insisted on the house being maintained as it was when they applied for a licence.

2898. Is that then another rule of the Manchester magistrates, that a person is not to alter his house in any way, if he once gets a licence?—We think it is better, and we ask them whether they are willing to make that promise, and they always do it.

2899. It is a condition which the magistrates make with the person applying for a licence?—We tell them when we consent they shall have a licence, we hope they will not make a ginshop of it; and they are all ready to promise to do that, and we seldom have a breach.

2900. What is a gin palace? Is it that there is a great room for persons to

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come to the bar, and ask for spirits, without the accommodation of sitting down?—Yes.

2901. What is the particular evil of that?—We think it has a more demoralising tendency, drinking spirits, than drinking beer; they sooner get drunk. There are more thefts committed in ginshops than in public houses by a very large number.

2902. Do you mean to say you connect that with their standing while they drink the gin; is it not the gin itself that intoxicates them?—Yes.

2903. Do you think they drink more when they are getting it in that way than when they sit down?—They get together in large numbers in places of that sort, and very often robberies are committed in ginshops which are not committed in public-houses.

2904. Is it not the drink, and the deterioration which attends it, not the standing there?—It is the drinking so often in that way; people go in at one door and get a glass of spirits and go out at another.

2905. Have you restrained a publican by saying he shall not do anything to make his shop look particularly handsome or attractive?—Not at all.

2906. Is it the ginshops who get people to drink?—We object to a house being opened and converted into a spirit vaults when it was taken as a house for travellers to get refreshment at, such as eating their dinners, and getting a glass of gin and water.

2907. Sir *G. Grey.*] Are there no gin palaces in Manchester?—Yes, a good many.

2908. Are they all houses that obtained their licences before that rule was laid down by the magistrates?—Yes.

2909. You do not object, in the event of a publican applying for a renewal, to part of the house being turned into a gin palace?—We have always recommended that they should not, and we have always complained of it.

2910. What number of gin palaces are there?—I should think 30 or 40.

2911. Is the number diminishing?—No.

2912. You make that a condition of every new licence you grant?—Yes, not to make it into a gin palace, as they call it; that is the term.

2913. Then in the event of any of those licences not being renewed, the number would be diminished?—It would; but we have never had an attempt to break the rule; if we had, I think we should be disposed to discontinue the licence; but the party would have the power of appealing to the quarter sessions.

2914. Do you make that rule because you think the temptations offered by these gin palaces to drinking are very great?—Yes, that is the great reason.

2915. *Chairman.*] Do you make any inquiry as to the capital of a publican applying?—Never.

2916. Do you see any objection in his being the mere servant of the owner of the house?—I do not see how we could interfere with that.

2917. You interfere with some subjects, but you think there is a limit to that interference, and you cannot inquire whether the applicant is a *bonâ fide* tradesman?—It would be impossible.

2918. Any person satisfying you he is of good character would get a licence?—If the situation require a public-house, we never object to a house being transferred from one to another.

2919. Sir *G. Grey.*] You do not take into account the quality of the beer sold at public-houses?—We do not.

2920. So that if the neighbourhood complained that the beer at any public-house was not good, you would not take that into consideration on an application for a new licence?—Yes, we never hear any complaints on that subject; the people know that it is not the proper quarter to bring such complaints to.

2921. Mr. *W. Brown.*] You stated there were many transfers in the course of a year, in consequence of the business not being profitable to the parties; do you not think that, under those circumstances, the principles of trade would sufficiently regulate the number of houses?—I do not know; I should be sorry to see it left to that.

2922. Inasmuch as you state, that many transfers take place in the course of a year, sometimes as many as two or three at the same house, is it not a proof that the trade is not profitable, and that the wants of the public would regulate the trade

trade without the interference of the magistrate?—I am not sure how that would be, it is evident it is not a productive trade.

2923. Sir *G. Grey.*] Are you aware of a practice in Manchester, of selling the licence or the good-will of a public-house, as it ought properly to be called?—Yes, that is very common.

2924. Is the good-will of a public-house sometimes sold for a large amount?—I have known one within the last year sell for 800*l.*; and I think the house, which without a licence would only let for perhaps 50*l.* or 60*l.*, was let for 100*l.*

2925. *Chairman.*] You do not mean then, that it is a bad business for those who own the houses, but a bad business for the publicans?—Out of the 481 public-houses there will be some that are doing very well, and some that are doing badly, perhaps.

2926. Sir *G. Grey.*] Is it owing to there being fewer public-houses in the neighbourhood of a few public-houses, that they are prospering?—No, it is because they are in the centre of the town, where there are a great many inhabitants.

2927. I thought you took the population of the district into account, and allowed more licences where the population was more dense?—We do so; I am speaking of a part of the town we have had nothing to do with until within the last 12 years.

2928. Is that where the public-houses do best?—It is in the centre of the town.

2929. Where there is the greatest number of public-houses?—Yes.

2930. That is on account of the population?—Yes, it is in the centre of the town, where the markets are, and where the country people come.

2931. Are you satisfied with the present system of licensing public-houses in Manchester?—I am perfectly satisfied; I think the public are so too; we have never had an appeal against a decision of ours, within the last 10 years.

2932. *Chairman.*] Who would an appeal be to?—To the quarter sessions.

2933. Are those appeals generally successful?—We have not had an appeal since we were incorporated.

2934. Sir *J. Pakington.*] Do you think it would be for the public benefit that any portion of these 30 or 40 houses you refuse to license every year should be licensed?—I do not.

2935. Sir *G. Grey.*] What evils do you apprehend from their being licensed?—You do not, if I understand you, apprehend any diminution of trade to the publicans from any number of licensed houses?—I think if we send public-houses into the rural districts the people would drink spirits instead of beer.

2936. I thought you stated just now that the drunkenness in Manchester was chiefly from beer drinking, and not spirit drinking?—That is the case; I do think that spirit drinking, in the centre of the town, is that which leads to intoxication.

2937. Still is it your objection, in refusing the licences which are refused, that the houses would sell spirits, and that drunkenness would be increased?—Yes.

2938. I understand some of them are open already as beerhouses?—Yes, but they cannot get spirit licences.

2939. *Chairman.*] I think you say there is a less disposition to consume spirits?—It would be increased very much, I think, if every beerhouse had a licence for spirits.

2940. You observe that change in the habits of the people, that they are less disposed to drink spirits than they were?—I think they are.

2941. Sir *J. Pakington.*] Do you know whether the profits of licensed houses have diminished of late years?—I do not.

2942. You do not know how far the profits of the trade have been affected by the great increase of beershops?—I think the trade has been interfered with.

2943. You have no knowledge on the subject?—No; the trade complains of the beershops.

2944. *Chairman.*] Who make the complaints?—The licensed victuallers themselves.

2945. Sir *G. Goodman.*] Has the value of public-house property much fallen at Manchester?—I do not think it has.

2946. Sir *G. Grey.*] You stated just now the number of beerhouses in Manchester, and the comparative increase which had taken place; can you give the

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Committee any information as to the number of convictions on informations by the police against beerhouses?—Yes, I can state that.

2947. *Chairman.*] I presume you can state the number of convictions upon informations against public-houses and beerhouses also?—Yes.

2948. Are the convictions against beerhouses very numerous?—Yes, nearly as many as we have public-houses in the city. In 1852 the total number of beerhouses within the borough was 1,465, and the number of reports 694.

2949. Half the number of beerhouses were informed against and convicted?—Yes.

2950. Sir *G. Grey.*] Do you mean that that number of beerhouses have had informations followed by convictions against them in one year?—Yes.

2951. Then the number of convictions is about half the number of beerhouses?—Yes.

2952. I presume the convictions are sometimes repeated in the case of the same houses?—Yes, some houses are never informed against at all.

2953. How many convictions are there against the same house in the course of a year?—Sometimes three or four.

2954. Do you ever put in force that provision of the law, that on a third conviction by magistrates the magistrate may certify that it shall not be open for two years?—We have threatened that, but the house has changed hands, and disappeared as a beerhouse.

2955. *Chairman.*] Can you put in a return showing the number of convictions against public-houses, and a similar return showing the number of convictions against beerhouses?—Yes.

[*The same was delivered in as follows:*]

PUBLIC-HOUSES.

YEARS.	Total Number of Public-houses within the Borough.	Total Number of Public-houses Reported.	Total Number of Reports against Publicans.	Per-centage of Houses Reported on the Total Number of Houses.	Per-centage of Reports on the Total Number of Houses.
1843 - - -	502	129	165	25·69	32·86
1844 - - -	490	147	210	30·	42.85
1845 - - -	482	167	227	34·64	47·09
1846 - - -	487	91	114	18·68	23·40
1847 - - -	482	55	68	11·41	14·10
1848 - - -	475	49	58	10·31	12·21
1849 - - -	480	86	111	17·91	23·12
1850 - - -	481	49	57	10·2	11·8
1851 - - -	481	45	49	9·3	10·1
1852 - - -	481	81	108	16·84	22·57

BEERHOUSES.

YEARS.	Total Number of Beerhouses within the Borough.	Total Number of Beerhouses Reported.	Total Number of Reports against Beerhouses.	Per-centage of Houses Reported on the Total Number of Houses.	Per-centage of Reports on the Total Number of Houses.
1843 - - -	781	301	384	38·54	49·16
1844 - - -	850	269	341	31·64	40·11
1845 - - -	1006	361	483	35·88	48·01
1846 - - -	1089	317	409	29·1	37·55
1847 - - -	1000	288	362	26·18	32·9
1848 - - -	1143	286	368	25·02	32·2
1849 - - -	1230	432	573	35·12	36·58
1850 - - -	1298	380	484	29·2	38·
1851 - - -	1312	331	413	25·2	31·4
1852 - - -	1465	520	694	35·49	47·37

The population, by the census of 1841, was 262,627, and by the census of 1851, 315,956.

2956. Having

2956. Having told us what you have done with respect to public-houses, will you state what is the rule with the magistrates, on informations laid against beer-houses?—The informations generally are of certain classes; one is for selling after 11 o'clock at night, another for selling during Divine service on Sundays.

2957. Do you subject these people to imprisonment as well as to penalties?—No, never; we fine them up to 40*s.*

2958. Is the fine invariably paid?—It is very seldom not paid.

2959. Sir *G. Grey.*] Is there any power of imprisonment if the fine is not paid?—Yes.

2960. Is the fine paid by the keeper or the owner of the house?—The keeper pays it; we do not know the owner in those cases.

5961. Why have you never enforced that provision of the law by which the house itself may be shut up for two years?—By reason that, when we give them notice that we will withdraw the licence, they immediately shut the house up.

2962. I understood you to say that another person immediately obtained a licence for that house, the house going on perhaps in the name of that other person, and subject to the same objections as before?—I have not had such a case as that, I do not remember having had occasion to summon the new parties; the house is better conducted after that.

2963. In point of fact you have never had occasion in Manchester to go to the full extent the law authorises you to go to?——

2964. *Chairman.*] I think I understood you to say you had convicted the same houses sometimes three and four times in the year?—Yes.

2965. And you were asked whether you were aware of the law which requires a magistrate, after a beerseller has been convicted on two occasions, to declare the licence forfeited, and to give notice to the Excise that the man should not have another licence?—Yes.

2966. Though that has repeatedly occurred, you are not aware of an instance in which the magistrates have forwarded that notice to the Excise?—I think it has; I have not done it myself.

2967. You have never heard of its being done?—I have heard of it, and the tenant generally lets the house at once.

2968. What have you heard was done; that a notice was sent to the Excise, and that the man has not applied for a licence again?—Yes.

2969. It is very rarely I suppose that you have heard of an instance?—Yes.

2970. And the man is aware that his licence is very seldom suspended?—They generally give it up themselves; when they find they have got into such trouble as that, they generally go away, somebody else takes the house, or it becomes a private house as before.

2971. Have you any precise information on that subject, as to what the habits of beersellers are after having been convicted?—No.

2972. You have not any precise information on the subject?—No.

2973. Sir *G. Grey.*] What is the difference in the rent of a beerhouse, as compared with another house of the same rating?—Very little.

2974. Then the licence of a beerhouse does not improve the value of the rent?—Scarcely anything.

2975. What is the qualification for a beer licence?—I think about 15*l.* a year.

2976. Have you had any reports made to you on the subject of beerhouses embodying the complaints or the opinions of the public respecting them?—No, I have not.

2977. From what you have been saying on the subject of beerhouses, you would alter their regulation?—I think if they were placed under the magistrates, as licensed victuallers are, they would be much better conducted.

2978. Will you explain what you mean by being placed under the magistrates; do you mean, if the licences were granted by the magistrates and not by the Excise, the houses would be better conducted?—I think they would.

2979. *Chairman.*] Will you tell us why?—Because it is only required for a person to get six of his neighbours to sign that he is a suitable person, that he may get a licence at once from the Excise if his house is rated.

2980. Is that your reason for supposing that the man would conduct his house better?—I think we should be more select with respect to the tenants of the houses.

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2981. Did I not understand you to say that the tenant of a public-house was a man of no capital from whom you could probably not get more than a certificate from six neighbours that he is of good character, but that there is a guarantee that such a man will be of respectable character, because he is going into a property which will be increased in value by the licence, so that the landlord will take care that he is respectable?—Yes.

2982. What is the object of the landlord of a public-house; is it not that he shall sell a great deal of liquor?—Yes.

2983. That sale does not depend on the good character of the publican, or the good character of the persons who consume the beer?—No; but if he kept a disorderly house the magistrates would withdraw the licence, and that would depreciate the property very much.

2984. What difference is there between a beerseller who has a certificate from six of his neighbours that he is of good character, and a man who is the servant of the owner of the public-house who puts him in, and who further, you say, is sometimes charged three times in one year?—I think it is very easy for any man to get his neighbours to sign, recommending him to get a licence from the Excise, whatever his character may be.

2985. Would it not be equally as easy for a man without capital, and not possessed of the stock necessary for a public-house, to open a public-house and sell beer and spirits?—Yes, if he is of good character the magistrates are satisfied.

2986. What evidence have you that beersellers are of bad character, and that the certificates they get are of no value?—Because they are a poor class of people, and their houses are ill-adapted for the public accommodation.

2987. What is the complaint against beersellers in Manchester; I think you have a bad opinion generally of that kind of house, compared with public-houses; I want to know what the complaint against them is?—I did not say I had a bad opinion of the men themselves; they are generally decent working people.

2988. What is the mischief of these beerhouses in Manchester?—They allow great facilities for card playing and gambling, which is not allowed in the licensed victuallers' houses, except they are licensed for that.

2989. Are you aware what the licence of a beerseller is?—I am not.

2990. Sir *G. Grey.*] Do you mean that card playing is lawful in a beerhouse, and unlawful in a public-house?—It is unlawful in both.

2991. *Chairman.*] What is it you complain of in respect to beerhouses; that they break the law more than do public-houses?—In my own neighbourhood, for instance, there are a number of beershops, and I think the working people go oftener into beerhouses and get beer, and remain longer than they would at public-houses.

2992 Have you any reason for stating that?—Yes, I know it is the fact in that instance.

2993. Sir *J. Pakington.*] Would you like to have an arbitrary rule, also, with respect to the hours at which beerhouses may be kept open, so as to have them closed at 10 o'clock?—I think that is the greatest misfortune we have had, extending the hour from 10 to 11 o'clock with respect to beerhouses.

2994. Are the beerhouses too numerous at Manchester?—Yes, I think so.

2995. Do you mean with respect to the moral effect?— Yes, and they are so numerous that they cannot get a living; they are a very poor class of people; they are always in trouble and changing very much.

2996. Has the required amount of rating acted as any security against the bad effects of the beerhouses?—I do not think it has; I believe that hour is the greatest misfortune about the beerhouses.

2997. *Chairman.*] That they are kept open too late in Manchester?—Yes; so that people cannot get to their work in the morning after it.

2998. Do you believe that the number of these beerhouses and public-houses induce people to drink, and that if they were diminished people would drink less?—Yes.

2999. You say that the number of beerhouses has been gradually increasing?—Yes.

3000. And that the public-houses have diminished in number?—Yes.

3001. What evidence, then, is there that if you were to diminish the number of beerhouses the number of public-houses would not increase?—The magistrates

trates would take care that the number of public-houses would not increase, except they thought they were required.

3002. Unless you suppose that the habits of the people are influenced by the number of houses, do you not suppose that in some irregular manner they would find a way to drink?—I think if you have a house at a man's door he will be more likely to go into it than if it was in another street; they are too close at present; there are a great deal too many of them; people would not go in if there were one-third of the number.

3003. Have you not a great increase of coffee shops of late years?—There has been an increase.

3004. Do you not think that, with an increase of population, there must be an increased accommodation for people to eat and drink and restore themselves?—No doubt of it; I only think that if they were under the control of the magistrates they would be better conducted; I may say that a house of 15*l.* a year is a very unfit house to afford accommodation.

3005. Would the accommodation be got on such good terms then as they now get it?—I think the quality of the liquors would be better.

3006. If the trade was more restricted and in the hands of fewer persons?—Yes, and a better class of houses.

3007. Would it not give it more of the character of a monopoly?—It might.

3008. You do not usually think at Manchester that any good comes of monopoly?—Not generally. I think these houses hold out great temptations to people generally; I believe, if we could do away with the ginshops, we should be doing a greater service still.

3009. Do you think that beer is any exception from articles of trade generally, viz., that you would not get it best and cheapest when the trade was most free?—I think we should not.

3010. You think beer is an exception?—Yes; it requires good keeping, and they have not in many of those houses a cellar large enough to put a barrel in.

3011. Do you not think the customers would find out where good beer is sold?—No, I do not think that beer is good in Manchester.

3012. They have not good beer to sell?—No; in public-houses the prices are moderate.

3013. We are speaking of the beerhouses?—I think the beer is generally better.

3014. Is not the price at beerhouses the same as at public-houses?—I think it is a little higher.

3015. Then, probably, if the beerhouses were subject to the same restrictions as the licensed victuallers, the beer would be a little higher still?—No doubt it would; it would be all the better for it, I think.

3016. Do you know how many of these beerhouses are licensed to sell beer, not to be consumed on the premises?—No, very few indeed; I do not know the exact number.

3017. What you propose is, that a beerhouse licence should only be obtained on application to the magistrates, precisely in the same manner that a licence is now granted to a public-house?—Yes.

3018. If that law was introduced into Manchester, to what extent, in your opinion, would a reduction in the number of existing licensed beerhouses take place?—I think it would be reduced one-third.

3019. You think the magistrates would refuse licences to more than one-third of the existing number of beershops?—Yes.

3020. Would they if they had that power, increase the number of the licences granted to public-houses, or would they still put the same restriction on the licensing of public-houses that they now do?—I think they would still continue that.

3021. Do you think it would be advantageous that there should be two classes of houses?—Yes.

3022. What advantage do you think arises from that distinction, supposing the licensing were all in the hands of the magistrates?—I think we should have a better class of beerhouses than we have now; I think they would not license the worst class.

3023. Do you think a better class of beerhouses, in many parts of Manchester, would be better than if licensed as a public-house?—I would not, in a district

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where there was not any traffic, nothing but a quiet street, send them a licensed victualler, for the sale of spirits; a beerhouse, I think, would be quite sufficient, and much better for them.

3024. Although you think that drunkenness in Manchester chiefly arises from beer drinking and not from spirit drinking?—Yes.

3025. Then you think that a beerhouse holds out less temptation to drunkenness than a licensed public-house in the neighbourhood to which you have referred?—Yes.

3026. Do you apprehend you increase the number of beerhouses by the limited number of public-houses which the magistrates allow?—No; I think there would be a large number of beerhouses, whatever number of public-houses the magistrates allowed.

3027. Do you know anything of the proportion of beerhouses and public-houses in Liverpool, and the system adopted by the magistrates there?—I do not know much of it; I merely heard that there are three times as many licensed victuallers there as we have.

3028. And fewer beerhouses?—Yes.

3029. You, being more restricted at Manchester, have more beerhouses and fewer public-houses?—Yes.

3030. Do people get more drunk by drinking beer than by drinking spirits?—I think our population gets more drunk from beer.

3031. Sir *G. Grey.*] Do you know what the comparative state of Liverpool and Manchester is, as regards drunkenness; in which city is there more drunkenness?—I think there is more in Liverpool; but I do not know very much of Liverpool.

3032. Sir *J. Pakington.*] You were asked just now whether, in the event of the trade being thrown more open, the customers would not discover where the beer was good; do you not think that a large proportion of the customers are more disposed to discover where to get drunk than where the beer is good?—Yes; there is another thing, a great inducement to go to beerhouses is, that they are generally amongst a lower class of people, and the neighbours come in to drink, and they treat one another. They also trust them generally for the beer, and that is a great inducement to people to go where the quality is not so good.

3033. You think another object is to get into bad company as well as to get good beer?—I do not think the intention is to get into bad company, but that is the result; and they go because they can get credit.

3034. Is that system of credit carried to a great extent at Manchester?—Yes.

3035. Have you ever heard a suggestion against the evils of beershops that persons contracting such debts should not be able to recover them at law?—No.

3036. Do you think that such a change in the law would diminish the bad effect of beerhouses?—I think it would.

3037. By making it necessarily a ready money business?—Yes, it would improve them very much.

3038. Is it your belief at Manchester that any considerable portion of the crime of the town is concocted at beerhouses?—I have heard say so, but my impression is that more is done at the ginshops a great deal.

3039. You have stated that the number of convictions of beerhouse keepers in the course of the year is equal to one half of the total number of beerhouses, and that the proportion of convictions of licensed public-house keepers is not more than one-fifth of the number?—Yes.

3040. Mr. *W. Brown.*] Assuming that both beerhouses and public-houses are put under precisely the same restrictions with respect to the police, if those houses were required to give bonds with sureties for the good conduct of the houses, would not those bondsmen inquire into the characters of the individuals for whom they became surety; and would not that inquiry be more efficient on the part of persons who would suffer by the delinquency or improper conduct of the beerhouse keeper or public-house keeper; would not they be much more likely to make a strict investigation into good character and conduct than the magistrates would have it in their power to do?—Yes, but I think they would not be able to get bondsmen.

3041. Then by that means you would exclude the bad, and so improve the character of the houses?—Yes, but I think there are very good men who could not get bondsmen to a large amount.

3042. Probably

3042. Probably that would depend to some extent on the amount of the bond? —Yes, if the penalty was 10*l.*, I think they might get sureties; not if it was 100*l.*

3043. Sir *G. Grey.*] In what respect are the powers of the police different with regard to public-houses and to beerhouses?—They are not different at all.

3044. You have spoken of the certificate signed by six rated inhabitants, which is produced by the applicant for a beerhouse licence; are you not aware that in large towns, and in every corporate town, provided the population exceeds 5000, no such certificate is necessary?—They have to make application to the Excise.

3045. Are you aware of the provision of the law which renders it unnecessary to accompany that application by a certificate in the case of London or of any corporate town, provided the population exceeds 5000?—No, I have not heard of that.

3046. Mr. *W. Brown.*] You spoke of limiting the number of licences in Manchester, by the probable distances which public-houses may be from each other, and the probable population of the neighbourhood; how would you deal with a seaport town in which the inhabitants are so fluctuating that a westerly wind will bring an immense influx of customers in, and an easterly wind take them out?—I do not know how you could legislate in such a case, or how you have proceeded in Liverpool; I understood you had a great difficulty in deciding who should have licences; we have had none in Manchester, and as a proof of it we have not been appealed against to the quarter sessions,

3047. Then the situation of Manchester would appear to be very different to that of Liverpool?—Yes, there is no doubt it is very different.

3048. I ask you whether you are aware that now a public-house keeper cannot sue a customer for anything retailed on the premises under 20*s.*; that he has no legal claim for it; it is a debt of honour?—We have never had an application; I have never had to give an opinion upon the subject, and I have never heard it referred to in my life.

3049. Sir *G. Goodman.*] Where a new population has sprung up, have you granted new licences?—Yes.

3050. Sir *J. Pakington.*] How is it, then, that your total number has diminished? —By the improvements which have taken place in the centre of the town; sometimes the widening of a street has taken down three or four houses, and the improvement committee have compensated the owners for them as public-houses, and the place has been filled up by a different class of property, and a public-house has not been required; so that it has enabled us to extend public-houses to the suburbs, without increasing the number.

3051. Sir *G. Grey.*] Where did the population go which has been displaced by those new streets?—Into the suburbs, and the surrounding districts.

3052. Then an accession to the population has, in the opinion of the magistrates, rendered it necessary to grant new licences to public-houses?—A few, it has.

3053. Sir *G. Goodman.*] Are you aware whether public-houses in general have what is called a "tap" attached, where the sale is chiefly confined to beer consumers?—There are very few public-houses having "taps" at Manchester; the beerhouses seem to have taken that sort of business.

Lunæ, 6° *die Junii*, 1853.

MEMBERS PRESENT.

Mr. Villiers.	Mr. Brown.
Sir George Goodman.	Mr. Gregson.
Sir John Pakington.	Mr. Fitzroy.
Sir George Grey.	Lord Dudley Stuart.
Lord Ernest Bruce.	

THE RIGHT HON. C. P. VILLIERS, IN THE CHAIR.

Mr. *Henry Croft*, called in; and further Examined.

Mr. *H. Croft.*

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3054. *Chairman.*] THE Committee understood you to say on your last examination that at the time you applied for a licence a tenant of Sir Peckham Micklethwait applied for one and obtained it?—Yes.

3055. In what year was that?—I cannot tell exactly to the year; I think it was about three years ago.

3056. Was there any statement made in the court at the time, with respect to the man who got the licence being a tenant of Sir Peckham Micklethwait?—I do not know that there was; I did not hear it particularly mentioned at all.

3057. Was there any statement made by Sir Peckham Micklethwait on that occasion?—No, I do not know that there was.

3058. Mr. *Fitzroy.*] Was Sir Peckham Micklethwait acting as chairman of the bench at the time?—He sat back a little; he did not act as chairman.

3059. Does not he usually act as chairman?—Yes.

3060. Sir *G. Grey.*] You stated, did you not, that he withdrew from the bench on that occasion?—Yes.

3061. He did not act as chairman, nor was he on the bench?—He sat back, as though he might sit behind you gentlemen, at the window.

3062. *Chairman.*] Do you mean that he sat back at the time when his tenant applied for a licence?—Yes; he sat back as he might sit at the back of you gentlemen; he did not leave the room.

3063. In the letter that was read you stated that he was a tenant of Sir Peckham Micklethwait?—Yes.

3064. If Sir Peckham Micklethwait were to attend here, he would admit, you believe, that his tenant applied for a licence and got a licence, and that you had applied for a licence and did not get it?—Yes.

3065. Would he admit that?—He could not deny it at the time that I applied.

3066. There is no doubt about the fact?—Not the least.

3067. How many licensed houses has he?—Four in the parish I live in of Salehurst.

3068. Sir *G. Grey.*] Is Sir Peckham Micklethwait the principal proprietor of that parish?—He is of the greatest part.

3069. Are those houses scattered about in different parts of the parish?—Yes; two are not far from me; one is a little distance and the other not so far.

3070. Do all the surrounding houses belong to Sir Peckham Micklethwait as well as these public-houses?—The greatest portion do.

3071. *Chairman.*] You have stated that the person applying for the licence was the tenant of one of his houses, and this tenant was a publican?—Yes.

3072. Do you mean to imply that Sir Peckham Micklethwait had any interest in the house itself beyond the fact of its being his property?—I do not know anything about that at all.

3073. Sir *G. Grey.*] You stated the other day that Sir Peckham Micklethwait opposed you; what did you mean by that?—I will state to the Committee.

mittee. He says, owing to the dropping off of the traffic, there being two houses already in the village that could scarcely get a living, if mine was licensed it would be a great injury to those two tenants of his. About three or four months before that he offered me a house a little beyond that in which I live. I thought at that time he had not that value for his tenants that he pretended to have, and I got up and spoke again, and told their worships that he had offered me a house beyond mine, and had told me that the house would be a convenient house for the people to stop at, and put their vehicles up at, being a short walk to the station. I hoped their worships would see that the house I already occupied was as convenient as Sir Peckham Micklethwait's house.

3074. Do you mean that he had offered you a house with the understanding that you might have a licence for that house?—He did not say so.

3075. Did the opposition of Sir Peckham Micklethwait amount to this, that he objected to more than two houses being licensed for that place?—Yes, he considered them enough.

3076. *Chairman.*] Did he say that those two houses were occupied by tenants of his own?—They be his tenants.

3077. Mr. *Brown.*] Was the house he offered you his own?—Yes, he was building a house, and he asked me to look at it, to see if it was suitable for that purpose.

3078. Sir *G. Grey.*] For what purpose?—To open for a beerhouse.

3079. If you had occupied the house, would it have been licensed as a public-house or a beerhouse?—As a beerhouse.

3080. Mr. *Fitzroy.*] Have there been any more houses licensed in this village since your application was refused?—Not in the village. I have a memorial signed, which I wish the Committee to look at; it is signed by the principal inhabitants of Sandhurst and Hawkhurst. They must deviate from the direct road from Hawkhurst and Sandhurst; they have no other refreshment house after they leave the London and Brighton Railway, unless they deviate from the direct road.

3081. Sir *G. Grey.*] You state that there was a memorial from persons in the neighbourhood to get the house licensed?—Yes, I will show it to the Committee; it is signed by the clergyman of Hawkhurst, and by the rector and vicar of Sandhurst.

[*The Memorial was handed in, and is as follows:*]

"To Her Majesty's Justices of the Peace acting in and for the Burwash Division of *Hastings* Rape, in the County of *Sussex*.

"We, the undersigned inhabitants of the parishes of Hawkhurst and Sandhurst, respectively, in the county of Kent, do hereby certify, that in consequence of the increase in the traffic to and from the above-mentioned parishes to the railway station at Etchingham, in Sussex, better accommodation is required for travellers upon that line of road than at present afforded, there being no licensed inn upon the same line of road; that the houses at present licensed at Hurst Green being situate out of the direct road from Hawkhurst and Sandhurst, to Etchingham station, are inconvenient to travellers from those places; and we beg therefore most respectfully to recommend to your worships the house situate near the post-office at Hurst Green, in the parish of Salehurst, now used as a beershop, and in the occupation of Henry Croft, and called the Bull, as a house conveniently situated for an inn, the same being on the direct road from Hawkhurst and Sandhurst to the station at Etchingham. Dated this 10th day of August 1852."

Signed by 78 Persons.

3082. Who was the clergyman?—Mr. Lawrence.

3083. Lord *E. Bruce.*] How many magistrates were on the bench on that occasion?—There were three till I applied, and then Sir Peckham Micklethwait withdrew.

3084. Then there were only two?—No.

3085. *Chairman.*] Have those two tenants of Sir Peckham Micklethwait's remained in the houses ever since they have been licensed?—No, they have been licensed for years, the two that have been in the village; there have been two that have been licensed, one perhaps seven or eight years ago, the other perhaps 12 years ago.

3086. Has the occupier of the house that obtained the licence at the time to which you have been just referring, continued in the house?—No.

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3087. Did he make it answer?—He preferred carrying on the grocery and drapery business.

3088. There is a good business?—Yes.

3089. Sir *G. Grey.*] Do you mean to say that there are three houses where there were two before?—This house was nearer the station that Sir Peckham Micklethwait got licensed.

3090. Does it interfere with the custom of the two houses you spoke of before?—No, I do not think it does.

3091. What is the date of your memorial?—The 10th of August 1852.

3092. Was that memorial presented to the magistrates, when you applied for your licence and were refused?—Yes, I had another memorial which was signed by the principal people in the village. My house is a mile and a quarter from the railroad. There was a demand for spirits, for there were going to be more works carried on.

3093. *Chairman.*] Was any person present in court, whom you could name, at the time this licence was granted and yours was refused, who would support your statement?—I do know; Sir Peckham Micklethwait cannot deny what I have said; it is the truth.

3094. I merely ask you if there was anybody whom you could name, who is cognizant of the facts that you have stated?—There was a solicitor applied on my behalf, who was Mr. Turney; he does business for those gentlemen; I do not know that I could promise that; Mr. Turney is the solicitor who produced the memorial when I asked for a licence. I have others that could prove my statement.

3095. Where does Mr. Springett live, whose name is attached to the memorial?—At Hawkhurst.

3096. Sir *G. Grey.*] What are the two Mr. Springetts?—One is a solicitor, and the other a gentleman farmer.

3097. Is the clergyman who signed that memorial, the clergyman of Hawkhurst?—Of Sandhurst.

3098. Mr. *Gregson.*] What is his name?—Mr. Lawrence.

3099. *Chairman.*] Would he come up and state the facts which you have mentioned to the Committee?—He signed the memorial, but he could not state the circumstances of the case.

3100. Are the Committee to understand that you had been four years running, applying for a licence?—I had been six years running.

3101. You carry on the business of a beershop keeper, do you not?—Yes.

3102. You have never appealed, have you?—No; the same magistrates sit on the bench at Lewes, and I have no chance.

3103. Sir *G. Grey.*] What advantage do you anticipate from your house being converted from a beerhouse into a public-house?—A very great advantage; my house is the only house which lies in a line from Hawkhurst to the station. There is a luggage van from Hawkhurst every day, and frequently I have applications for spirits; witnesses were there to prove that I had applications from the passengers; I brought them to prove that there was a demand for spirits, and those witnesses would prove it again. The proprietor of the van from Sandhurst, said if he started from Sandhurst early to meet the up train, the women or rather the ladies sometimes that he brought, could not take anything in the first of the morning. He starts from Sandhurst about half-past five to six, and the Honourable Gentleman will see that they required something before they got to London-bridge. There was no house on the road from Sandhurst till he got to Hurst Green.

3104. Mr. *Gregson.*] What distance do you speak of?—From Hawkhurst to the Etchingham station, three or four miles, they would not be able to get anything before they got to London-bridge.

3105. Sir *G. Grey.*] Could not they have got beer at your house?—Yes; but that is too heavy, I suppose, in the first of the morning; the driver of the van had to deviate out of the road to supply his passengers.

3106. Mr. *Fitzroy.*] What is the number of magistrates that generally attend on licensing days?—About two to three; I never saw more than four there.

3107. Then those magistrates would form a very small proportion of the bench at Lewes at quarter sessions?—Yes; they would not be very large certainly.

3108. You have never thought it worth your while to appeal?—No; there is great expense.

3109. Sir *G. Grey.*] What is the expense of an appeal?—I cannot tell; I cannot

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cannot go into that; I thought they would have let me have a licence in time; I thought I had such an excellent memorial that they would not refuse me.

3110. Mr. *Brown.*] Do you think if you had appealed against the decision, it would have made your case worse?—I do not know why it should; I think really it could not be any worse.

3111. Lord *E. Bruce.*] Who were the two magistrates that refused you the licence?—Mr. Watts and Mr. Courthop; they are the two.

3112. *Chairman.*] Have you anything else to state upon the subject of your case which you wish the Committee to hear?—No; I was sorry the gentlemen disputed my word the other day, when I said Sir Peckham Micklethwait opposed me personally; of course he did, or I would not have said so.

3113. He only opposed you in the way you have stated?—That is all; he got up and addressed the bench.

3114. Did he say anything against your character?—If he had had anything against my character, he would not have offered me his house; I am a tenant of his for 12 acres of land.

3115. There was nothing alleged against your character?—No.

3116. Sir *G. Grey.*] Is the house which you already occupy the property of Sir Peckham Micklethwait?—No; if it had been, I should not have had any bother; my landlord is here, if the Committee wish to ask him any questions.

Mr. *John Pargeter,* called in; and Examined.

Mr. *J. Pargeter.*

3117. *Chairman.*] WHERE do you reside?—I keep the Prince of Wales, South-row, Kensall New Town, near to the Kensall-green Cemetery.

3118. You have been refused a licence, have you not, after applying for seven years?—Yes; and it was applied for two years before me by the person who built the house.

3119. In each case the application has been unsuccessful?—Yes.

3120. Will you state to the Committee shortly the circumstances under which you applied; what was the recommendation of your house for a license, and how it came to be refused?—The house was built expressly for a licensed house, with every accommodation, and they promised eight years ago that if it was necessary to license another house I should have the preference.

3121. What do you mean by "they promised;" did they make that statement to any person whom you could name?—They stated eight years ago that they did not think it was necessary to license another house, but when it was, my house should have the preference.

3122. Mr. *Brown.*] Where was that statement made?—At Kensington.

3123. *Chairman.*] Was that statement made from the bench on the licensing day?—From the bench on the licensing day; there was but one licensed house.

3124. What was the population of the place at that time?—Between 2,000 and 3,000 inhabitants; there are upwards of 6,000 in the place now. On this last licensing day there were three applicants as well as myself; we were beer-sellers in the place; this party that had the licence granted to him last year, it was the second application; his first application was the year before; he has been near about three years in the place; he came down and took this house, which is now licensed, which was a little four-roomed house, that had been opened in the beer trade but a very short time.

3125. Is the person to whom you are alluding the person that got the licence in your neighbourhood?—Yes.

3126. Do you say that he obtained it three years ago?—Last licensing day.

3127. Do you mean last March?—Yes, on the second application.

3128. Had any licence been granted between that time to which you refer, eight years ago, and the beerhouse being licensed last year?—No.

3129. Did you make your application in a formal way?—I did by notices posted on the parish church door and on my own door, also by a petition got up, written by the magistrate's clerk, and signed by 170 of my neighbours, householders. This man's petition was signed by only about 50. But, previously to the licensing day, Mr. France, who was one of the magistrates, paid a visit to the place, but he visited no other house but this; he had a long conference with this man, whose name is Haynes, and after this visit of the magistrate, he told his customers that he was quite sure of a licence; but this magistrate visited no other house but his.

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3130. Was your house visited before?—Only once before, and that was the year before last; that was the first visit that had been paid since I had occupied the house. I understand, in short, I have witnesses to prove, that Mr. France's brother is the ground landlord of that property, which this house stands upon, that has got the licence.

3131. The person who owns the ground is named France?—Yes, he is a brother to the magistrate who paid this visit to the occupier.

3132. Who is the ground landlord of your house?—A Mr. Thorne is now the ground landlord.

3133. Do you own the house yourself?—I have a lease of 21 years.

3134. Does Haynes hold a lease of his house?—Yes, of this Mr. France.

3135. You mean that he is a tenant of Mr. France?—He holds a lease under Mr. France; I can show the situation of my house; I have drawn just a rough sketch of the locality (*handing a paper to the Chairman*).

3136. Which do I understand to be your house?—The one in the centre.

3137. Where is the Portobello?—That is the old original licensed house; it was licensed about nine years ago.

3138. The house in the corner was licensed at the time you applied for a licence and was refused?—Yes.

3139. How far is it from yours?—One hundred yards from the other, and the Portobello is about 350 yards from me.

3140. Has the new house any convenience attached to it which your premises do not possess?—No; I have every convenience.

3141. Is your house larger than this?—It is quite as large as the Portobello.

3142. Is your house as large as the house which has had a licence granted to it?—It is twice as large; the house previously was only a little four-roomed house, let for 20 *l.* a year, including taxes; and in the last year they took the next house to it, which was of the same size, and they threw the two into one, and now it is but a small house in comparison with mine; it has no stabling, and no back premises, or anything of the sort, and not so much room as there is in mine.

3143. Has the population increased in the neighbourhood?—The population has increased since I have occupied my house from 2,000 to 6,000.

3144. Do you know what the value of this house, which was licensed the other day, was before it obtained the licence?—It was let for 20 *l.* a year.

3145. What is its value with the licence?—I should say it is from 40 *l.* to 50 *l.*

3146. Is that the difference in the rent?—Yes.

3147. What is the difference of value to sell with a licence?—I should suppose about 10 *l.* a year.

3148. Supposing the premises were sold altogether, what is the difference in value before and after the licence?—I should say at least from 800 *l.* to 900 *l.* In short, the occupier, I have heard it said, has been offered 1000 *l.* for the house since he got the licence. I suppose the house would have been bought for perhaps 200 *l.* before.

3149. Did anybody oppose you particularly?—I was always opposed by the landlord of the Portobello. He opposed any other house being licensed, because his was the only licensed house in the place.

3150. Did he oppose this other house getting a licence the other day?—Yes.

3151. Did anybody else oppose you?—No.

3152. You have been seven years a beershop keeper, have you not?—Yes.

3153. Have you ever been convicted?—Once.

3154. What was the offence?—It was five years ago. I was convicted upon an information unfairly laid against me. Two men, on a Sunday morning, had brought me some pigs from the country, where I keep those sort of things, and I gave them a pot of beer. I was informed against by two policemen, who came in disguise as haymakers.

3155. The offence was, that your house was open on the Sunday morning?—The house was not open. I had given those men a pot of beer, not thinking I was doing wrong. I was only fined 1 *l.*

3156. Was any other information laid against your house?—No.

3157. Was that conviction alleged as the reason why you did not get your licence?—No.

3158. Mr. *Fitzroy.*] Was Mr. France one of the magistrates who sat on the bench on the licensing day?—Yes; the magistrates never assigned any reason why they refused the licence.

3159. *Chairman.*]

3159. *Chairman.*] Had this other house a beer licence before a public-house licence was applied for the other day?—It had; I wish the Committee to understand, that Mr. Farnell, the brewer, who lives somewhere about eight or 10 miles off, I believe, has an interest in the Portobello; I do not know the name of the place where he lives; Langley, or something similar to that; previous to my friend, who built the house; two years after the second application for the licence, Mr. Farnell called on him, and he said to my friend, "Powell, you have not been successful in getting a licence?" He said, "No, I have not." "Well," he said, "if you will come into my trade, we will insure you one."

3160. Are you stating this of your own knowledge?—I am stating it of my own knowledge; I had it from Mr. Powell's own lips.

3161. You are stating what has been told to you?—Yes; I did not hear the words pass from Mr. Farnell to Mr. Powell, but Mr. Powell told me it was the fact.

3162. Is he the owner of the Portobello?—Yes.

3163. That was before he got his licence?—Since he has had his licence. A man of the name of Powell built my house; this Mr. Farnell is a brewer who has an interest in the Portobello; he came to Mr. Powell at the Portobello after the second application for the licence; and he said, "If you like to come into my trade we will insure you a licence."

3164. Was Mr. Farnell on the bench when the licence was applied for?—No; he told Mr. Powell that he would insure him a licence if he liked to come into his trade.

3165. What did he call his trade?—To take his beer of him, as he was a brewer.

3166. Where is Mr. Powell to be found?—I do not exactly recollect; I think he is at Croydon.

3167. Have you any other evidence of that fact?—No, I have not.

3168. You are not connected with any brewer?—Not at all.

3169. What did you say to Mr. Powell, when he told you of this conversation he had had with Mr. Farnell?—I asked him why he did not do so, and I said, "I deal with Mr. Thorne, the brewer; and I have no wish to leave him, as he serves me very well." Undoubtedly a licence must be granted to this house, because there has been a great increase of population. My house was the first house built in the street.

3170. Has Mr. Farnell any other connexion with the neighbourhood beyond being a brewer who supplies the houses with beer?—No.

3171. Had he any means of insuring a licence being obtained?—I do not know that he had; no further than my supposition went.

3172. Have you ever been advised to appeal?—I have not appealed to the sessions; I had not the means. I understood it was very expensive; more than I had the money to throw away.

3173. Have you ever heard of people succeeding who did appeal?—Yes. There was a new-built house refused a licence very near to the Great Western station; they appealed to the sessions, and got a licence.

3174. You have stated that obtaining a licence increases the value of the premises very much?—Of course; I have been paying a heavy rent of 40*l.* a year, and my taxes amount to something like 16*l.*

3175. Do you mean to say that it was not worth your while to appeal, or you had not the means to appeal?—No, I had not, or I should have done it.

3176. Mr. *Fitzroy.*] Are you aware what the expense of an appeal would have been?—I am not; no more than I was informed by a person who knows something about the matter. I was told it would cost between 30*l.* and 40*l.* to appeal to the sessions.

3177. *Chairman.*] You have stated your case; have you anything further to state?—Nothing.

3178. Do you intend to apply again for a licence?—Yes, I shall decidedly apply again, because I think there is ample room for another house being licensed; in short, the inhabitants are very dissatisfied with this house being licensed in preference to mine. My house is placed centrally in the neighbourhood, and the house that was licensed is placed quite at the extremity, and it has no better accommodation now than before the second licence was granted.

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3179. Was your memorial signed by respectable inhabitants?—Yes, by 170; and the memorial of the party who got the licence, was only signed by about 50.

3180. Mr. *Fitzroy.*] How many magistrates attended on that occasion?—There were nine on the bench on the licensing day.

3181. Was there any division of opinion amongst them, as far as you know?—There was; I understand there was a division of five to three.

3182. *Chairman.*] Do you know anything about the division yourself?—No, I do not know; the room was cleared.

3183. Had you the signature of one of the churchwardens, or the clergyman, or any person in that station of life, amongst the signatures to your memorial?—No, I had not; because the churchwarden lives three miles from my place. We are in the parish of St. Luke's, Chelsea; we have neither churchwardens, overseers, nor any of those official people in our place at all. I had their signatures one year, and the magistrates seemed to think that their signatures were of very little consequence; they are parties who do not come into our locality, perhaps, once in a year. They told me that the signatures of the householders, who were my neighbours, was of more consequence than their signature; notwithstanding, they signed my petition.

3184. Mr. *Fitzroy.*] Is there a resident clergyman in the neighbourhood?—Yes.

3185. *Chairman.*] You have stated that you have lived nine years in the neighbourhood, and are well known?—Seven years.

3186. Have you that memorial still?—Yes.

3187. Mr. *Fitzroy.*] Does the person of the name of Farnell, to whom you have referred, supply many houses in that neighbourhood?—Only one, and that is the Portobello.

3188. Sir *G. Goodman.*] Do you brew your own beer?—No.

3189. *Chairman.*] From whom do you get your beer?—Mr. Thorne, of Nine Elms.

3190. How many beerhouses are there in that neighbourhood?—There are six in that neighbourhood.

3191. Before this licence was granted the other day?—Yes.

3192. And two licensed victuallers?—Yes.

John Wybergh, Junior, Esq., further Examined.

J. Wybergh, Jun., Esq.

3193. *Chairman.*] THE Committee understand that you wish to offer some explanation of the evidence you have given on a former occasion?—In the first place, I should wish to have entered formally on the Minutes the resolutions of the magistrates; I do not find them recorded in the evidence I gave on the former occasion; I refer to the resolutions to which the bench came on the subject of licensing.

3194. You wish to apply to the Committee to append the resolutions of the magistrates, in January last, to their Report of the Evidence?—Yes. The first point I should wish to explain is the answer I gave in reply to a question which was put to me, by an Honourable Member of the Committee now present, with regard to the power of appeal. I was asked to whom I would give that power, and I said to the county court judge; but, upon consideration, I am of opinion that if the principle which I recommended were adopted, there would be no occasion for any appeal, at all events in that form; any person who felt himself aggrieved would have his remedy by applying to the Court of Queen's Bench for a mandamus. It is scarcely possible to conceive that the officers of Excise would refuse a licence to a person who proved that the requisites of the Act of Parliament had been complied with as to the rating or rental of his premises, whatever it might be.

3195. You proposed that upon certain qualifications any application for a licence should be granted as a matter of course?—Yes, that is my opinion.

3196. Upon the Excise being satisfied that the law had been complied with?—Yes, that is my view.

3197. You also proposed, I think, that the licence should be withdrawn upon conviction, or after so many convictions; and then you were asked where you would place the power of appealing from such a decision, on the conviction of a person,

person, or a declaration of a forfeiture of the licence?—I understood the question more with reference to the original granting of a licence.

3198. In that case you think there would be no occasion to provide for appeal, seeing that the department to which the power of granting licences was entrusted could have no reason for refusing?—Not for a new licence; but it would be necessary to have a power of appeal if a licence were taken away.

3199. Have you formed any opinion with reference to the quarter where that power should be placed?—I think the suggestion as to the county court judge would be a very good one.

3200. Do you mean that the county court judge should hear any appeal upon convictions, or the withdrawing of licences?—Yes.

3201. Mr. *Fitzroy.*] You have stated in evidence that whatever system was introduced, you thought an appeal would be requisite?—Yes; an appeal would be requisite upon conviction; against the withdrawal of a licence there should be certainly a power of appeal.

3202. To whom would you propose to give that power?—I think the county court judge would be as good a person as I can think of at present.

3203. Would you propose to leave it to him finally to decide whether the licences should be revoked or not?—I would leave him to decide whether they were properly taken away or not. Then there was another point I should wish to explain; I was asked by an Honourable Member whether I did not think an unlimited number of public-houses in a neighbourhood was an evil. Perhaps I ought, before I had given an answer to the question, to have requested a definition of the term "unlimited;" because I cannot conceive, under any state of things, that there would be an unlimited number of public-houses. A limit would be drawn somewhere. The question is, whether the magistrates should have the power of drawing the limit, or whether the limit should be drawn by the law of supply and demand, which I think would be much the better way.

3204. *Chairman.*] Are there any other matters in your former evidence to which you wish to refer?—I do not think there is anything further in my former evidence that I wish to explain. I have some statistics with me, if the Committee think it important to have them, as to the consumption of gin from 1733 down to 1742, about the time when some very high restrictions were put upon the sale of that article in the Metropolis. It illustrates this fact, that in consequence of those restrictions the consumption of intoxicating liquors increased very much. In 1733, which is about the date of the Act in question, imposing restrictions and high penalties, the consumption amounted to 10,500,000; in 1734, 13,500,000; in 1740, 15,250,000; in 1741, 17,000,000; and in 1742, when, I believe, the Act was repealed, the consumption was 19,000,000; and from that time the consumption seems to have declined. I quote from Mr. Porter's "Progress of the Nation." The population at that time was about 6,000,000, and after that the consumption seems to have declined very considerably; for in the century following, with a population increased to 16,000,000, the consumption is reduced 8,166,985 gallons in the year. I have also a return of the consumption of spirits charged with duty in England and Wales, from 1831 to 1849, showing a steady decline in the consumption. In 1831, it was 7,732,000; in 1836, 7,875,000; in 1843, 7,720,000; in 1846, 5,636,000; and, in 1849, it was 5,318,000. I have also the number of beer licenses in 1838, soon after the Act introducing free trade in beer. The number of licences in that year was 45,717; and in 1849, after the operation of free trade for 11 years, I find they had declined to 38,200, which shows, I think, that there is no necessary connexion, at all events, between unrestricted competition and the multiplication of drinking shops.

3205. In your opinion, the supply would adjust itself to the wants of the locality, and the profits of the trade?—Yes. I also may observe, that in the city of Paris I made some inquiries, when I was there two years ago, with reference to this subject. I found that there were upwards of 13,000 cabarets in the city of Paris; and yet drunkenness is so inconsiderable a vice that positively it has not a place in the category of police offences in Paris, and there is no punishment assigned to it.

3206. Is your object in making this statement to show that regulations as to the number of houses have very little influence upon the habits of the people?—Yes.

3207. And that under our present system, if anybody is disposed to get drunk at

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Liverpool they have ample opportunity of so doing?—Yes. Perhaps the Committee has had in evidence the number of public-houses in Manchester, as compared with the number in Liverpool. The number of beerhouses in Manchester exceed those in Liverpool by a considerable proportion; and what number there may be of places still worse we do not know, that is, whiskey-cellars, and what they call hush-shops, which I believe to be a great source of drunkenness in large towns.

3208. Do you mean houses where spirits are sold?—Yes, illegally.

3209. It appears that whereas public-houses, where spirits are sold, have not increased in proportion to the population, the beerhouses have increased rapidly in Manchester?—Yes; in the same proportion as the restrictive principle has been applied to public-houses; my opinion is, that where a demand exists for drink, it will find its satisfaction in some form or other, either in the legitimate form in public-houses or beerhouses, or in the illegitimate form of whiskey-cellars or hush-shops.

3210. How long have you been clerk to the magistrates of Liverpool?—I think about 11 years.

3211. Is it your opinion, from what you have observed in that capacity, that the system of licensing does not do anything to protect the morals of the people, or improve the general character of the town?—I am strongly of that opinion.

Mr. Alderman *Wire*, called in; and Examined.

Mr. Alderman *Wire*.

3212. *Chairman*] YOU are the Solicitor to the Licensed Victuallers' Association?—I am.

3213. Do you attend on the licensing days, before the magistrates in London, to oppose licences being granted, or do you act occasionally for persons applying for licences?—I act in both ways; as solicitor of the Licensed Victuallers' Association, I never get instructions from them; they decline to interfere. It is a rule of their body never to interfere as a body; therefore when I act, I act for individual parties.

3214. But those parties might be members of the Licensed Victuallers' Association?—Yes, or otherwise; I act for applicants and opponents indiscriminately; both for those who apply for licences and those who seek to oppose licences being granted.

3215. Are not those persons who oppose the granting of licences usually in the trade?—In many cases; and in many other cases I appear for the inhabitants of the neighbourhood of the house for which the licence is sought.

3216. Is it usual for the inhabitants in the neighbourhood to oppose a licence being granted?—Very usual.

3217. Do the inhabitants of the neighbourhood oppose the licence, without any interest in doing so beyond their general interest in the locality?—Yes.

3218. Are your clients in those cases the parish officers?—No. I have never been employed by the parish officers, but I have been employed by the inhabitants, who have combined together to get up petitions, which have been presented against the granting of licences.

3219. Do those petitions generally allege that a new licensed house would be an inconvenience, and that there is not one needed?—The petitions allege, first, that it would be injurious to the neighbourhood and to the class of houses among which, probably, the house for which the licence is sought is situated.

3220. Do you mean injurious to property?—Injurious to property.

3221. Is it ever alleged that it will be injurious to the morals of the place to have another public-house?—Constantly.

3222. Do you often succeed in those cases?—In a great number of cases I succeed, where I have grounded the opposition upon such statements coming from the neighbourhood, that it would be injurious to property or the morals of the neighbourhood to grant an additional licence. I frequently succeed in persuading the magistrates to withhold the licence upon those grounds.

3223. What is the nature of the injury to property to which you refer in such a case?—No one likes to have a public-house next to his own house; if it is a private house in a private neighbourhood, persons consider it would be injurious to the comfort and peace of their families to have a public-house next door, or in the immediate vicinity of their house.

3224. Has

3224. Has that argument weight with the magistrates?—Undoubtedly, unless a preponderating case can be made out on the other side, showing that public necessity requires another licensed house.

3225. Must not some persons have a public-house next door to them?—Yes. But the inhabitants of Belgrave-square would not like to have a licence granted for a house in that neighbourhood.

3226. Would it be thought necessary to license a house in such a neighbourhood?—It might not be thought necessary; but if a house were licensed, it would be exceedingly injurious to property.

3227. You say that you have a set of clients who oppose the granting of licences upon moral grounds?—Upon moral grounds. I have frequently had clients of that description; gentlemen who have thought that an additional public-house was not necessary, and if granted, that it would be injurious to the morals of the neighbourhood.

3228. Do the magistrates attend to such an opposition as that?—They always attend to the opposition offered upon any grounds whatever, and of course judge whether it is a well founded opposition or not.

3229. Will you state to the Committee in what part of the country you generally act?—I act all through the metropolis, and within 50 miles; frequently I have gone a further distance when I have been retained to take a case in any part of the country; but my general practice is confined to the metropolis, and within 20 miles around it.

3230. Will you state to the Committee what is the custom of the magistrates with respect to dealing with the requisitions to them upon the licensing days?—The practice is this. Previous to the month of March, every person intending to apply for a licence must post a notice upon the church doors, and give notices to the overseers and to the constables of his intention to do so, for three separate and distinct Sundays before the 1st of March; so that every person in the parish may know that he is about to make an application to have his house licensed. The mode of procedure then is this: the person about to apply to the magistrates on licensing day, which is generally on the 1st or 2d of March, varying till the end of March, lodges a petition in favour of the application, signed by himself, with a certificate testifying to the respectability of his character, and that he is known to the persons who sign the petition, and that a house of that description is necessary in the neighbourhood in which it is situated. The petition being so lodged with the magistrates' clerk, any person may, if he thinks proper, oppose it by petition also, that petition either coming from the adjoining public-house owners, or from the neighbourhood, or from any person who may have any reason to believe the grant of a licence would be injurious with respect to property, or the morals of the neighbourhood. Before the licensing day, each of those parties may have a copy of the other's petition from the magistrates' clerk. If I present a petition in favour of a licence, I can go to the magistrates' clerk and say I want a copy of the petitions in opposition to it, so that each party knows the particular case they have to meet. On licensing day all the old licences, that is, the licences in existence against which there are no complaints, are renewed as a matter of course. At that time an adjournment day is fixed, upon which the new applications are heard; and then the parties may attend, either by counsel or solicitors, or in person, the one party applying urging all the reasons which he thinks conducive to obtaining the licence, and the other all the reasons which he thinks are sufficient to induce the magistrates to refuse the licence.

3231. Are the Committee to understand that there is one day for the renewal of all the old licences, against which the police have not lodged a complaint, or against which there have been no convictions, or against which the neighbours have made no complaint?—The magistrates attend to all the three classes; they have a return before them from the police of every offence, and conviction for offence during the year; and they frequently have petitions also from the neighbours, where the quiet of the neighbourhood has been disturbed by any misconduct in the house. All those cases are considered on the adjourned day, as well as the applications for new licences. The licences for the houses against which there have been no complaints are granted as a matter of course; generally the magistrates assemble in a large number on that day; the licensed victuallers are called into the room, and they are informed, if their conduct has been good during the past year, that their licences are renewed as a matter of course.

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Then on the adjournment day, which is fixed on this day, the next applications are taken into consideration, as well as objections against the renewal of licences for houses against which there are complaints. Generally the new applications are taken early in the day, for the convenience of counsel. Both parties are heard. I am speaking now of the metropolitan districts. Counsel are employed, or solicitors, or the parties go themselves, for the purpose of advocating their particular case. After the magistrates have heard the case so argued on both sides, having previously gone round to inspect the house for the purpose of seeing what sort of a house it is, whether all the requisites which they generally require have been complied with, with respect to the building and construction of the house; being well acquainted with the locality, of course they are able better to appreciate the arguments made use of for and against the licence.

3232. Do you mean there is a committee of magistrates who perform this duty?—Generally two or three magistrates, or half a dozen.

3233. How many days is this before the day of adjournment?—They suit their own convenience between the licensing day and the adjournment day; the parties do not know anything about them, as they come separately, some two or three or half a dozen; and after having viewed the locality, and satisfied themselves as to the capability of the house, they can understand better the arguments which are addressed to them, and then they decide in open court. The decision is generally this: the licence is not granted, or the licence is granted, assigning, of course, no reasons unless there is a difference of opinion, and then every magistrate is at liberty to give his reason why he votes for or against the licence.

3234. Usually there is no reason given when they decide?—No.

3235. The magistrates hear the counsel, or those who represent the applicants or the opponents, and then they decide the case?—Yes.

3236. Did you say that there is a meeting of the magistrates before they assemble for this purpose?—I am not aware that there is a meeting of the magistrates between the licensing day and the adjournment day, but they usually meet in the morning, some little time before the business begins.

3237. Is it not upon that occasion that they satisfy themselves what houses should be licensed?—No; I do not think they come to a decision until they have heard the case argued by both the parties.

3238. Do not they discuss the matter after hearing counsel?—Sometimes they do; there may be a difference of opinion amongst the magistrates.

3239. What is the purpose of their meeting before the counsel address them; is it not a fact that they view the premises, and then decide what licences shall be granted and what licences shall be refused?—I suppose the purpose of their meeting is to communicate information from one to another; supposing A, B, and C have taken one district, and some of the other magistrates another district, they meet in order to communicate with those who have not been to that particular district.

3240. Is it not the case, that the magistrates, after viewing the houses, come to the determination that some premises ought not to be licensed, and decide the matter at once?—I have known no case decided without giving a full hearing to the parties.

3241. Does every person appear by counsel, or a solicitor?—It is generally the case now; it was not so formerly; but the magistrates, until within the last 15 or 16 years, never heard those applications in public.

3242. What is the greatest number of applications you have ever known for new licences?—It depends entirely upon the division in which the magistrates sit. For instance, in a new division, where building is going on rapidly, there will be an immense number of applications.

3243. Is the case of each of those persons heard separately?—Every one.

3244. What is the mode in which the magistrates take the votes, supposing there should be a division of opinion?—The general practice is this: after having heard the application and the arguments on both sides, the chairman puts this question, "Does any gentleman move that this licence should be granted?" If no gentleman moves that the licence should be granted, of course it is not granted; but if a gentleman moves that it should be granted, the motion is put to the vote, and it is decided by the majority, as is directed by the Act of Parliament.

3245. Sir *G. Goodman.*] Does that take place in open court?—Yes, in open court.

3246. *Chairman.*]

3246. *Chairman.*] Is it the practice in voting, to take down the names of the magistrates, or do they hold up their hands?—I have known it both ways; sometimes the names are taken down, and sometimes the hands are held up.

3247. Are the votes published afterwards?—They are not published; everybody in the room may know them.

3248. With respect to appeals, do you constantly attend the magistrates on behalf of appeals against those decisions?—Yes.

3249. To what body is an appeal made from the decision of the district bench?—The appeal is to the general body at the court of quarter sessions.

3250. Where is it; in London?—Clerkenwell for Middlesex, the Guildhall for the City of London, and Reigate for the county of Surrey.

3251. Do you attend chiefly for appellants?—Invariably, because, until the late decision of the court of Middlesex sessions, no person was allowed to appear except the magistrates against whose decision the appeal was lodged and the appellant. No licensed victualler on the part of the public was permitted to be heard, the only two parties being the appellant and the magistrates against whose decision the appeal was lodged.

3252. Is it the practice of the magistrates to defend their decisions in person, or by counsel?—Not invariably; generally it is so.

3253. Do those magistrates who have refused the licence appear at the hearing of the appeal by counsel, to support their decision?—Yes.

3254. Can you state whether the general result of the appeals is successful or not?—Of course it depends entirely upon the nature of the case presented. At this last licensing session there were four appeals, I think, against decisions of the magistrates for refusing to grant licences, which were successful.

3255. You have had considerable experience, I presume; can you state the general result, whether the appeals are successful?—I should say they are not generally successful.

3256. In most cases the decision is confirmed?—The decision of the local bench of magistrates is confirmed; but it depends upon the nature of the case presented, and upon the evidence, of course, which is offered at the sessions, which is more strictly of a formal and legal character than that which is given at the petty sessions.

3257. May the magistrates at the sessions receive any evidence which was not heard in the court below?—Yes.

3258. Do they receive further evidence than that taken by the magistrates against whose decision the appeal is lodged?—That is frequently done where there is other evidence showing the strong necessity for a licence, and the court of quarter sessions perhaps may grant the licence.

3259. There have been various statements made to the Committee with respect to the expense of appeals. What is the general expense of an appeal to a publican who has been refused a licence in the London district?—The expense of an appeal, to a publican who has lost his licence, depends upon the number of counsel who are employed; it is not my custom to employ more than one counsel; I think it is useless to employ more, except it is a very heavy case, and then there is a necessity to employ two. With only one counsel on a side, the expense is 25*l.* to 30*l.* on both sides.

3260. Do you mean that 25*l.* or 30*l.* would cover all the cost?—It would cover all the cost, with one counsel and a small number of witnesses; if there are two counsel and a large number of witnesses, the expense is increased. I am speaking of the London district, where there are facilities for getting the witnesses to the sessions house. There is much more expense in Surrey, when the sessions are held at Reigate, and then the expenses may amount on both sides to 60*l.* or 70*l.*

3261. What is the reason of that?—The reason is this: the witnesses are taken down to Reigate, and kept there three or four days; their travelling expenses have to be paid there and back, and their maintenance, and other expenses consequent upon being absent from town.

3262. That is in the case of houses almost upon the borders of London, but yet in Surrey?—Yes.

3263. Out of what fund are the magistrates' expenses paid for defending their decisions?—If the appeal is refused the appellant pays the magistrates' costs. If

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appeal is successful the costs are paid by the county. It is the practice of the quarter sessions at Middlesex to fix a sum for the magistrates' costs; whether they have incurred more or less the magistrates allow a fixed sum; the quarter sessions have fixed the sum of 10 *l.*

3264. It might be more or less, might not it, according to the circumstances?—It might be so; but that is the practice of the quarter sessions in Middlesex.

3265. In any case the defence of the decision is only allowed to be charged at that rate of 10 *l.*; is the same practice adopted in Surrey?—At the Surrey sessions the bill is made out by the solicitor of the magistrates, and it is taxed by the clerk of the peace.

3266. That varies with the circumstances of the case?—Yes, from the time occupied in the business.

3267. So that if the appellant loses his appeal he has to pay his own costs and 10 *l.* for the magistrates' costs in London?—Yes.

3268. Has he to pay nothing more than that?- He has to pay nothing more than that.

3269. Can the magistrates who have decided the case in the court below vote upon the appeal?—Certainly not.

3270. Do they generally attend on the bench, or some of them?—It depends upon whether they employ counsel to resist the appeal; if they employ counsel to resist the appeal it is seldom they are there; if they do not employ counsel, and many of them do not think it necessary so to do, they simply come down to the court, and state the reasons why the licence was refused in the court below, and in that case the appellant has no costs to pay.

3271. Are you in the habit of advising your clients to appeal, when they are refused licenses?—Whenever there is just ground for appeal, I never hesitate to do so. Of course, dealing so largely in these matters, the experience I have gained enables me pretty well to tell whether or not there is any chance, and I advise accordingly. If I think there is just ground for appeal, I advise an appeal; if not, I advise on the contrary.

3272. Is it always certain who will attend to hear the appeal?—There are a great number of magistrates who feel it their duty to attend; others only attend occasionally.

3273. Is any particular number requisite?—None.

3274. Could one magistrate hear an appeal?—No; they must form a court.

3275. How many forms a court?—I think, in Middlesex, it is five; the assistant judge, Mr. Serjeant Adams, always presides on those occasions. Of course his judgment, both as to matters of law and other questions which are brought before the court, has great weight with his brother magistrates; he is not a licensing magistrate, and he does not sit to grant licences.

3276. Do the other magistrates grant licences in their own districts?—Nearly every magistrate attends at the licensing sessions.

3277. May not the success of an appeal somewhat depend upon the character of the particular magistrates in attendance on that day?—In some instances, I suppose that is the case. Some gentlemen entertain the same opinions as the Honourable Gentleman, Mr. Brown, a Member of this Committee, that they ought to grant licences wherever they are requested, and if they attend on the bench, they will be in favour of granting a licence whether it is required or not.

3278. Are not those opinions rather in the minority amongst the magistrates on the bench?—I believe they are. The magistrates feel themselves bound by law to uphold what are called existing interests.

3279. It is one of the chances upon which you reckon when you advise your clients to appeal; it is accidental what tribunal the appeal is taken before, and what will be the character of the judge?—Undoubtedly, as the court of quarter sessions is constituted throughout the country, I do not speculate upon such things as that, as to the number or the character of the judges. I can only go upon the strength of the case I have to present to the court, and I trust that the judges sitting to discharge their duty will only be guided by considerations of public utility and public duty.

3280. Do you both act for the applicants and the opponents?—Frequently for both.

3281. You frequently act for the same client when he appeals, and do you always expect success with another bench of magistrates?—I almost invariably act

act for the parties upon the appeal, but I do not invariably expect success, especially in the case of a new neighbourhood, where the houses are building and are not finished; a man can hardly tell the character of the population or the wants of the people who may inhabit the houses; I say to the parties, "Wait another year, and then go to the magistrates again; the houses will be finished, and when that happens you may present a stronger case to the local bench; at present there is not a sufficient case with which to go before the Quarter Sessions."

3282. That is in cases where you do not advise an appeal?—That is in cases where I do not advise an appeal.

3283. When you do advise an appeal, have you the same confidence of success as when you apply for a licence?—I rely solely upon what I consider to be the justice of the case.

3284. There is not much law required in the matter; it must depend upon the evidence of the case?—There is no law, providing all the formalities have been complied with; it is wholly a matter of discretion.

3285. Mr. Serjeant Adams cannot help the bench much in that respect in the hearing of appeals?—Of course, as a lawyer, he can only guide them as to the formalities; if he sees that they have been complied with, that notices have been given, and the magistrates served with notices of appeal, and that all the formalities requisite to making the application have been complied with, that is generally the way in which he assists his brother magistrates.

3286. Is the appeal decided by the vote of the magistrates?—Yes.

3287. Does the Assistant-judge vote upon those occasions?—I think he does, if it ever comes to a casting vote, but not otherwise.

3288. In the other cases where you attend for your clients there is no Assistant-judge?—Not in the county of Surrey, nor in the other counties; in the city of London the Recorder assists the magistrates.

3289. Is it possible for the magistrates who have decided upon a licence to be the parties who shall hear the appeal?—They cannot constitute a part of the court.

3290. Is that the state of the law?—Yes, that is the state of the law.

3291. If a witness has stated the contrary to the Committee he is under a misapprehension as to the state of the law, is he not?—No doubt.

3292. If any person has stated that he would not appeal, because he should appeal to the same persons to decide upon his case again, he is under a misapprehension?—The appeal is not from Cæsar to Cæsar; the law is quite positive upon that subject.

3293. Mr. *Brown*.] Might not a borough magistrate be also a county magistrate?—The magistrates who heard the application for the licence cannot constitute a court of appeal.

3294. You spoke also of magistrates deciding those licences in open court, but you stated that they meet in the morning before they come into court; have they previously determined what applications they would refuse, and what they would grant, leaving the parties who felt aggrieved to defend their cases in open court?—I believe the magistrates in London keep their minds as free from impressions as it is possible for persons to do situated as they are; they are swayed by the evidence and by the arguments addressed to them.

3295. *Chairman*.] Then what is the object of the magistrates visiting those houses in order that they may report to their brother magistrates what they think fit, and what they think unfit for licences?—The object is twofold. First, if it is a new house, to see if all the requirements which they consider to be necessary for the public accommodation are made; secondly, to see whether the neighbourhood needs further houses opened for the accommodation of that neighbourhood; and then they are able to understand and to appreciate the representations which are made before them in court.

3296. Does that take place in open court?—I do not know that there is any discussion.

3297. Are you aware that the cases are put to the vote before the magistrates come into court?—I do not believe there is such a case.

3298. Is not your experience confined to London only?—The entire of the metropolis, the whole of the county of Middlesex, the city of London, and a large portion of the county of Surrey; I was about to say that it would be impossible; the number of magistrates who attend those sessions is very uncertain; sometimes

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times 15 or 16 in a large division, and in a small division there are only three or four; it is never certain who will, and who will not attend; and such a decision as that which is referred to, could not take place with any certainty of being respected by the magistrates who might come.

3299. Is it within your knowledge that the magistrates do not canvass the merits of the houses they have visited, and state to their brother magistrates what houses they think fit to be licensed, and what houses they think unfit to be licensed, and take votes upon the case before they go into open court, allowing the parties who feel aggrieved to defend their cases in open court?—I do not consider that a body of Englishmen would enact such a farce as to open the court and to allow the public to be present, and counsel to be heard on both sides, and witnesses examined, but still having predetermined the case.

3300. Mr. *Fitzroy*.] Is it not the fact that the proceedings on the licensing day commence in the presence of two or three magistrates, and then 10 or 11 magistrates drop in during the course of the proceedings, and take part in those proceedings, having had no concert before with their colleagues?—Most assuredly; that has constantly occurred.

3301. Mr. *Brown*.] Then they would be ignorant of what had previously occurred?—They would hear from the magistrates sitting round the table, in the same manner as one of the Committee might communicate to any honourable Member if he were absent for a few minutes; they would listen to the arguments which might be addressed to them. There is another thing which is essential to the magistrates granting licences; they have plans of the neighbourhood, with the number of houses, exhibited before them. In some of the divisions in the metropolis they have returns from the petitioners for a licence filled up, stating the number of new houses erected since the last year, the number of those new houses which have been inhabited, and a variety of other particulars, to enable them to get at the facts of the case, as well as they can from the return made by the parties, and of course if the parties state falsely they are immediately corrected.

3302. When the magistrates meet in the morning in order to look over the list, and to discuss the houses which have been visited by the gentlemen appointed to visit them, do they state to each other that no houses are wanted in this neighbourhood, and certain houses are wanted in another, and when they come into court, do they so express their opinion, leaving it open to the parties aggrieved on either side to show that they are wanted or not wanted; it is not a predetermination as to what are really wanted or not wanted, but a decision from the view taken in this way by the visiting magistrates?—I do not think that any such practice exists; from the position I occupy, and the confidence I have obtained amongst the magistrates, I have been present at what might be called private discussions, but I never heard of any such thing being done; the court is open; of course it is a matter of discretion with the magistrates, but the mode in which the business is conducted shuts out anything of the description to which allusion has been made; it is open to the public, and the parties know beforehand what the particular case is which will be presented against them. If I may say so, the plaintiff and defendant have each their own case, and either by counsel or solicitors, are able to answer it before the magistrates.

3303. *Chairman*.] The plaintiffs know the defendants' case, and *vice versâ*?—Yes; I lodge my petition applying for a licence two days before the licensing day, with the magistrates' clerk, and anybody who is about to oppose that application by petition, does the same.

3304. Must he set forth all that he intends to urge against the granting of the licence?—He must set forth all that he intends to urge against the granting of the licence, and then either party may have a copy of the other's petition, or of any documents presented in favour of it.

3305. It is not necessary that those statements shall be true, but they are to allege something?—Clearly; if anything is stated which is untrue, the magistrates, from their practice of going round to visit the neighbourhood, and their knowledge of the locality from constant visitation, are able to detect if anything is stated that is untrue, and then the counsel, with the acuteness which belongs to the bar, do not fail to seize upon anything that has the appearance of untruth, and use it to the disadvantage of the person stating it.

3306. You have stated that you attend the magistrates to represent clients, in what

what capacity do you attend?—It is understood that I am there to advocate one side or the other.

3307. Do you sometimes appear for clients in opposite interests, sometimes in the resistance of a licence and sometimes in the support of an application for a licence?—For both sides.

3308. Do the magistrates ask you before you have made your statement, or instructed your counsel, what is your case?—I only said that I have been present when some of those private discussions have taken place, and that the predetermination to which allusion has been made had never, in my presence, taken place; of course my being admitted in confidence forbids my saying anything except so far as this, that I never heard of the predetermination of a case before that case has been heard in open court.

3309. Mr. *Brown.*] I asked, was it a predetermination; I wish to know whether it is usual to submit to the open court the views taken by the magistrates who have visited the houses, that is, subject to the decision of the open court?—The magistrates do not state in open court any views whatever; they go into the case in the same manner as Honourable Members might come into the committee-room and sit there and hear an application made.

3310. Of what value is the practice of the magistrates visiting the houses?—I have said that it has a twofold value; first, to see that there is all the accommodation which, in their opinion, the public have a right to require from the hands of the man seeking a licence, and, secondly, to look to the neighbourhood, so as to see if there is any necessity for another licensed house; for a new public-house a variety of things are required for the accommodation of the public, and they go to see whether there is proper tap-room accommodation for the poorer classes, and parlours for the better sort of customers; whether there are the means of affording accommodation to those who go to the house, to lodge, and cook their meals, and to see that there is provided the accommodation which used to be out in the street.

3311. Do all the magistrates visit every house?—I say a large number of them do.

3312. Will not the views of those magistrates who may happen to visit any house have great weight with their brother magistrates?—Just as the experience of an able judge will have weight with one who has had less experience.

3313. You have stated that there would be an objection to granting a licence to a house placed in such a position as Belgrave-square; is it not very natural to suppose that a person applying for a licence for a house, paying a very large rent, would secure to the neighbourhood a most respectable public-house keeper or innkeeper; for example, such a house as Mivart's Hotel?—I do not think that follows; it is not a necessary consequence; if a house that was sought to be licensed in Belgrave-square was intended for a first-class hotel, like Mivart's, the amount of property embarked in it would lead to a careful observance of the law, and afford a great security to the public that the landlord will observe propriety.

3314. Belgrave-square would not be the best district for a gin palace?—Certainly not; but gin palaces are placed in very respectable streets, filled with quiet private houses; we have known such instances as that.

3315. *Chairman.*] But such a neighbourhood is not the best district for a gin palace?—Certainly not; no man applies for a gin palace.

3316. A man would hardly take out a spirit licence for such a place?—The licence is to sell excisable liquors there by retail, served upon the premises, therefore the magistrate does not know what sort of a house is intended to be established, except the applicant states upon his petition. Mivart's Hotel, and the public-house down at Wapping, are alike licensed by the magistrates under one licence, and are all subject to one law.

3317. Do you think any person applying for a licence for a first class house in Belgrave-square, would have a chance of getting that licence?—It would depend upon the case he could make out; if none of the parties in the neighbourhood came to oppose it, having ample opportunity of knowing that such an application was to be made, he might succeed.

3318. If the house were highly recommended by inhabitants of the square, or by the local authorities, such as the clergyman and the churchwardens, have you any doubt that the licence would be granted?—If it was for a public-house, I think it would not be granted; but if for an hotel, perhaps it would.

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3319. What in your opinion generally determines the decision of the magistrates who have to grant licences?—As far as I can understand the rule it is this, they look to the number of houses which there are in the neighbourhood already licensed; they look to the number of the population which lives in the neighbourhood, or resorts to it during the day; a place may be very full at 12 o'clock in the day; for instance, the Royal Exchange, and very empty at eight o'clock at night. They look therefore to the resident population, and at the population that visits the place during the course of the day, and then they judge by that as to whether or not there is a public necessity for the house, and whether the public accommodation requires it.

3320. In those cases a licence would not be refused in which the requirements of the district were obvious?—I do not believe there is a case in London where a licence has been required, in which it has been refused.

3321. If a number of respectable inhabitants were to sign a memorial for a licence, do you think in such a case a licence would ever be refused?—I think not, if it is made evident to the magistrate that the neighbourhood requires it. With regard to memorials got up in favour of licences, they are got with great facility.

3322. Is that because the man's character is known?—Yes; there is no difficulty in getting memorials signed.

3323. If you had been told that a petitioner who had a respectably signed memorial had been refused a licence, and another man with a memorial less numerously signed, whose house had half the accommodation, had got a licence while the other had been refused, so far as your experience goes, do you believe that to be an impossible case?—I believe it to be an impossible case.

3324. Mr. *Fitzroy*.] From your practical knowledge within the metropolitan district, do you believe that public convenience is the principal ground upon which licences are either granted or refused by the magistrates?—I may say almost universally that is the sole ground upon which the magistrates grant or refuse licences.

3325. Mr. *Brown*.] Are not the public much better judges of their requirements than the magistrates who hear two stories, one from the applicant and the other from the opponents, can be?—You must take the mode in which the public testify their opinion.

3326. As a matter of course they will testify that by the custom they give to the house?—That is after the licence has been granted, and not before.

3327. Is it the case that the magistrates predetermine the applications for licences without a knowledge of what is wanted?—I have said quite the contrary.

3328. *Chairman*.] Are you acquainted with the Tower Hamlets district?—Yes.

3329. Is the course adopted by the magistrates to view the premises first, and then to hear the arguments, or do they hear the arguments and then view the premises?—They hear the arguments and then visit the houses, both in the Tower Hamlets and in the eastern half hundred of Brixton, in the county of Surrey; in the latter they only hear counsel at that session, and go and view the premises afterwards, and then decide by themselves separately.

3330. Do you mean that they decide by themselves separately who shall have a licence?—Yes.

3331. That is to say, they hear the arguments first, then view the premises, and then meet and decide upon the applications?—Yes.

3332. Do they meet privately and decide upon the applications, and then come into court, and say who is to have a licence and who has been refused?—The names are called over; so and so granted and so and so refused.

3333. Is there any reason for the difference of practice in this part of London?—I have urged upon them to pursue another plan which I think more advantageous, namely, visiting the houses first and deciding after they have heard counsel upon the subject; it seems the more natural plan to follow. Hitherto I have been unsuccessful; I dare say the day will come when I shall be successful.

3334. You say that is the only exception?—The only exceptions in the metropolitan districts.

3335. Has it fallen at all within your experience to know to whom the public-houses generally belong in London?—To a variety of persons; a great number belong to the occupiers; the larger number of them.

3336. You

3336. You say the greater number belong to the occupiers?—They are leaseholders; there is scarcely such a thing as a freehold public-house in London.

3337. Do they hold, generally speaking, under the brewers?—No.

3338. Have the brewers much direct property in the public-houses in London?—Not direct; the brewer makes the loans to the parties. If a person has saved 500*l.*, and wishes to take a house which requires 1,500*l.*, he would naturally go to a brewer and borrow the money; he can get it sometimes at a lower rate of interest; and if not at a lower rate of interest, he gets it without the necessity of executing a mortgage.

3339. Do you know anything of the conditions upon which those arrangements are made, generally speaking, between the brewer and the person occupying the house?—There are no conditions; the brewer lends the money upon the equitable deposit of the lease at the rate of interest mutually agreed upon by the parties; I have never seen a condition of this description, namely, that the person borrowing the money should deal with a particular brewer.

3340. Mr. *Brown*.] It would not at all interfere with the paying of the interest if the trade were thrown open; they would make advances upon those houses in the same manner as they do now?—I doubt whether anybody would make an advance under such circumstances.

3341. Why not?—The value of the house would not be considered so much as at the present time.

3342. The mere fact of having a licence gives value to the house?—Yes; I might explain that in the facility of obtaining money he is under no obligation to them; if he borrows of Barclay's, and he does not like their beer, he can instantly go to Whitbread's; the same facility exists in going from one to another.

3343. *Chairman*.] The chief facility is in getting money from the brewer?—Undoubtedly; there is no obligation to sell a particular man's article, with the necessity of the man being tied by the brewer; no such thing is known in London.

3344. Mr. *Brown*.] Then, however disreputable the landlord of the house might be, the brewer would have no fear of losing his money?—No man in his senses would venture to lend money to a person unless he was a person of respectable character; no brewer in London would be, I was going to say, so foolish as to lend money to a man if he knew he was about to conduct his house disreputably. The brewers have a vested interest, a pecuniary interest, the strongest which actuates human nature, to prevent disorder in the houses.

3345. *Chairman*.] Preventing disorder is one thing; the other would be harbouring customers who drank freely without violating the law?—I only can say if it were a customer over whom he had any control, he would take instant means to get that person out; of course the brewers of reputation in London are all persons of property and people of character.

3346. The fact is, that the more beer is drawn the better it is for the publican?—No doubt, but not to supply illegitimate custom; the publican ought only to supply the legitimate wants of the neighbourhood, and not to encourage drunkenness and disorder in any shape or kind. Public-houses badly conducted are of very little value, and they cannot be sold in the market, for persons of character will not go into them if they are known to be the resort of thieves and prostitutes, or anything of the kind.

3347. Do you mean that no publican will take a house with the character you refer to?—I mean publicans will not engage in such houses.

3348. You do not mean to say that there are not houses which are the resort of disorderly people?—I am speaking of a large majority of 6,000 people; and I may say, from 25 years' acquaintance, there is scarcely a person engaged in the public-house trade who would willingly go into a house of that description, and if he did, it would be for reforming it.

3349. What description are you referring to; is there any particular violation of the law you are referring to?—I was referring particularly to the remark of an Honourable Member, who thinks there is a temptation on the part of the publican to induce his customers to drink as much as he can get them to take; I say there is no such temptation in public-houses in London.

3350. Are not they made as attractive as they can be; a gin palace is a very splendid edifice, is it not?—It is fitted up gaudily, with plate glass, furniture,

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and painting; but there is very little comfort in the gin palaces, or the means of comfort.

3351. You do not mean to say, that a respectable person would not occupy a gin shop?—Certainly I do not.

3352. There is nothing disreputable in that?—Certainly not. What I wish to impress upon the Committee is, that the publican has too large an interest at stake to be harbouring thieves, and prostitutes, and disorderly persons in his house; if he does, he knows he must pay the penalty.

3353. Do you consider it to be clearly illegal for a person to serve a bad character with beer or spirits?—Do you mean morally bad, or legally bad?

3354. Suppose a well-dressed prostitute went into a public-house, would the publican be bound to serve her?—I think he is bound, if she conducts herself with decency and propriety. The law imposes the obligation upon the publican to serve every person who comes and conducts himself with decency and propriety. He is liable to be indicted, or to have an action brought against him, if he does not.

3355. Sir *G. Goodman.*] You say the magistrates view the house of every person applying for a licence; under such circumstances, the house must be prepared for the purpose of a public-house?—If it is in an old neighbourhood it must be fully prepared.

3356. And if those preliminary conditions have been complied with, can the neighbourhood be taken unawares by the application?—It is impossible, inasmuch as notice must be given three successive Sundays upon the church doors, and on the door of the house sought to be licensed, and the constable and overseer must have notice; and it is the custom of the magistrates, if there is any doubt about the character of the applicant, to refer to the police, in order that they may make inquiries as to the applicant.

3357. *Chairman.*] You have stated that some rules appear to be generally acted upon; I presume there is nothing binding upon the magistrates in any rules laid down in one place, or at one time?—I think they are so far binding upon each gentleman, that a person who came there to sit with his brother magistrates would not long possess any influence with them if he violated the rules.

3358. Are not the magistrates an uncertain body, from their changing so often, and from their irregularity in attendance?—No; in the licensing districts in the metropolis, except in small districts, where there are perhaps 20 or 30 houses, I will take the parish of St. James, which is a small district, it is often difficult to get three magistrates to attend; three magistrates constitute a quorum; and in the larger divisions of Holborn, St. Pancras, Paddington, St. Martin's-in-the-Fields, and St. George's, Hanover Square, the magistrates are pretty well the same persons who attend from year to year.

3359. Are they called the licensing magistrates?—They are called the licensing magistrates; the police magistrates are precluded from taking part in the licensing.

3360. Mr. *Fitzroy.*] When you speak of them as being called the licensing magistrates, you do not intend to convey to the Committee that their duties are limited to that one branch?—No; they do duty besides at the petty sessions, in hearing criminal cases, and deciding upon the questions which occur before the bench of magistrates around London; of course, in the Metropolitan Police districts, all criminal matters are brought before the stipendiary magistrates; they have other duties besides that of licensing.

3361. *Chairman.*] Can you always depend upon finding the same magistrates at the licensing sessions?—In general I should say they have been the same persons in London for a number of years.

3362. With respect to new licences or renewals, the Committee have been informed that the police of the metropolitan parishes make reports of all the houses within their districts, and furnish the magistrates with their reports, stating how those licensed houses have been conducted, and whatever they can learn of the character of the applicants; how far do the magistrates consider themselves bound by those police reports?—Most strictly; a licensed victualler is tried very often twice for the same offence, and condemned twice. For instance, if a man is convicted of any one of the offences, even the least one created by the Police Act, that conviction is returned to the magistrates who sit at the licensing sessions; and they not only have the police who supported the conviction, but the other witnesses, and re-hear the cases. If they are satisfied that the character of the man

man has been bad, or that he has conducted his house ill, and that a conviction has not had any effect in reforming his character, they take away his licence.

3363. Supposing there is no evidence of conviction, but there is a report from the police sheet that such-and-such a person is an improper person to keep a public-house, and that the house has been complained of, what course would the magistrates take?—Those cases frequently occur. The police bring up separate reports where no conviction has taken place, but a house has been conducted badly. Then the licensed victualler attends on the adjournment day, and if he has any witnesses to disprove it he is heard; but if the magistrates think it such a grave offence as to warrant a deprivation of the licence, they take it away.

3364. Do the magistrates go into evidence?—Yes.

3365. They do not consider the complaint sufficient without hearing the case themselves?—Certainly not.

3366. And do they consider a conviction conclusive against a publican?—To some extent.

3367. In the case of a house being proved to be badly conducted is the licence then refused?—It is always suspended; that is, it is what is called suspended; a licence is granted from the 5th of April to the 5th of April; the licensing session always takes place in March within the metropolitan districts; the 2d of March is the annual licensing day for the renewal of licences only, and those against whom no complaint has been made by the police obtain their renewal; but if they have been either complained of by the police, or have been convicted, or have been complained of by their neighbours, the case is ordered to stand over till the adjournment day, when the matter is investigated.

3368. How do the magistrates deal with a conviction?—There is evidence given of the offence having been committed.

3369. Do they go into the offence?—Yes.

3370. Do they try the offence over again?—Yes, the majority of offences are either keeping open after 12 o'clock on Saturday night, or, perhaps, opening before one o'clock on Sunday morning.

3371. Those are the general offences?—Yes, for which there is a fine; varying according to the disposition of the magistrates, from 5 *s.* to 5 *l.*

3372. Sir *G. Goodman.*] Are those cases heard before the stipendiary magistrates?—Yes; one of the metropolitan magistrates generally fines 5 *l.* for Sunday trading.

3373. Are there not several public-houses in London whose chief customers are thieves and prostitutes?—I do not believe there are.

3374. Mr. *Brown.*] Do the parties who are brought before the magistrates for offences, try to avoid the days on which that magistrate sits?—The parties have no chance; that depends upon the police.

3375. Sir *G. Goodman.*] Have not the different benches of magistrates different rules to govern their decisions?—I think there is uniformity throughout the metropolitan districts; the only questions they ask themselves, whatever may be said about vested interests, is, Aye, or no; do the public require an additional licensed house? And I believe, conscientiously, that that is the only rule by which they are guided.

3376. Mr. *Brown.*] Are there any dancing saloons or music establishments, or anything of that kind, connected with the public-houses in London?—Many are licensed to have musical entertainments under the 25th George 2, by a separate and distinct licence, for which they apply to the quarter sessions.

3377. Are there any theatres attached to the public-houses?—No, they are separate now; years ago there were three in London that had those places.

3378. Are not those places supplied with spirits and beer and wine?—They cannot by law supply them.

3379. Are not spirits, and so forth, bought at a public-house, and taken to those places?—They cannot take them in by law; they can consume no beer or spirituous liquors in such places; what refreshments they have must be had of a licensed person.

3380. There is an establishment in the neighbourhood of Rotherhithe where they charge a penny or twopence for admission, at which panoramas are exhibited, and which is approved of by the neighbourhood, where the parties have a right to sell refreshments?—I believe there is a place called the St. Helena

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Gardens; I do not know whether that is the place which the Honourable Member alludes; it was formerly what was called tea gardens. There were a variety of those houses in the districts round London, where, as Cowper said, the quiet citizens went to breathe clouds of dust, and called it country air; but the fashion of the times has put an end to all those places.

3381. *Chairman.*] Are you quite right in saying that a public-house cannot have any representation of a scenic or dramatic character attached to the house?—Certainly, they may have singing and dancing.

3382. Without a separate licence?—Every public-house in London must have a separate licence for singing and dancing.

3383. They cannot have concerts without being licensed for the purpose?—No.

3384. Does not Judge Nicholson sit at a public-house?—He does.

3385. Is that against the law?—That is not against the law.

3386. There are other things which serve as attractions to draw people to public-houses, are there not?—Of course, in 6,000 houses it is impossible to say that every house has not anything which might be called illegal. I speak of the large majority of the houses, and I think I might take upwards of 5,000 out of the number, and say that they are conducted with decency, propriety, and benefit to the public.

3387. Mr. *Brown.*] If there are only 5,000 out of 6,000 properly conducted, do not you require some regulations for the other 1,000 which are not so conducted?—I have heard in this Committee of houses being so ill conducted, but I conceive it is impossible, looking at the vigilance of the police and the ordeal to which they are subjected by the magistrates in London.

3388. Mr. *Fitzroy.*] If there are 1,000 houses of that description, would not a very strong hold be felt to be exercised over those houses from the danger of the suspension or loss of their licences in the event of their being disorderly?—They could not exist any length of time in London.

3389. *Chairman.*] What number of licences are suspended annually out of the whole number which are granted?—I cannot tell.

3390. Is it a rare thing to have a renewal refused?—In an old district where the trade has departed from it, and there are more licensed houses than the public wants require, it is likely that in some of those cases the licences will be suspended, on account of the determination of the magistrates, wherever they can fairly do so, with a due regard to the wants of the public, to take away any such licences.

3391. Then a few are suspended?—A great number are suspended in such neighbourhoods; every year witnesses the suspension of them.

3392. Are those cases in which there have been instances of misconduct?—Clearly. Suspension arises if there has been the slightest complaint; in the great majority of those cases they are renewed, the magistrates being satisfied that it has been an error, they have given the party warning.

3393. Mr. *Brown.*] Have you any local acts which govern the migistrates in the management of these affairs, or the general Act only?—The magistrates of the metropolis are governed with regard to public-houses, apart from the general law as to public-houses, by the Police Act, which imposes very stringent regulations, and which Act does not apply to the country. The Surrey magistrates also send to the various parochial authorities before licensing day, to state whether they have any cause of complaint.

Veneris, 10° *die Junii*, 1853.

MEMBERS PRESENT.

Mr. C. P. Villiers.	Mr. Barrow.
Mr. W. Brown.	Mr. Gregson.
Lord Dudley Stuart.	Mr. Lowe.
Sir George Goodman.	Mr. Ker Seymer.

RIGHT HON. C. P. VILLIERS, IN THE CHAIR.

Richard Spooner, Esq., a Member of the House; Examined.

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3394. *Chairman.*] I BELIEVE you have been for many years acting as a magistrate for the counties of Worcester, Warwick, and Stafford?—I have acted very nearly 40 years for Worcestershire, and rather less for Warwickshire; I do not now act for Staffordshire. I did not qualify again in the present reign.

3395. You act still, then, when you are in the country, as a magistrate for Warwickshire?—For Warwickshire, and the borough of Birmingham; but not constantly as I used to do.

3396. Have you attended to that business of the magistrates, the licensing of public-houses in Birmingham?—Yes, until within the last two or three years; I have not attended regularly for the last two or three years.

3397. Are there certain days for licensing public-houses at Birmingham?—There are.

3398. A certain number of magistrates attend particularly to that duty?—No; the general body of magistrates attend on licensing days.

3399. What number of magistrates should you say attend on those occasions?—Eighteen or 20, I should think; I really do not speak with any certainty; almost all the magistrates attend. I do not know how many there are, exactly.

3400. On one day in the year only?—There is one day for licensing, but we then can hold adjourned days; they must be held, by the Act of Parliament, within a certain limited time, and we adjourn those days. You can only adjourn those days for a certain limited time, and on the first day generally we merely grant licences in all undisputed cases; we do not grant new licences on the first day; we generally adjourn for the specific purpose of taking into consideration any licences which are objected to on the score of ill-conduct on the part of the applicants, and likewise to take into consideration any new licences which are applied for.

3401. And the renewal of the old licences?—The renewal of the old licences is on the first day; all those that are not disputed.

3402. Are all old licences renewed, unless some person opposes the renewal, as a matter of course?—Unless there is some reason assigned; there is a book kept, and in that book any remarks are made as to the way in which the houses have been conducted during the year, and that book is laid before the magistrates.

3403. Is that book kept by the police?—That book is kept by the magistrates' clerk, I believe, and is open to the inspection of the magistrates at any time.

3404. Is that a perfect list of the public-houses?—No, a mere book stating any occurrence which may have taken place which the police think they ought to call to the attention of the magistrates.

3405. Is it a faithful record of every information or complaint which has been laid against any house, or every conviction?—Every one; I have a list before me now, for several years, of the number of summonses granted against the licensed victuallers and against the beerhouses.

3406. What is the rule of the magistrates of Birmingham with respect to houses which have been informed against and convicted; do they inquire into the particular cases again, or do they refuse at once the renewal of the licence?—They

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inquire into the merits of the case; they do not lay down any specific rule upon the subject.

3407. They have no general rule with respect to dealing with complaints or convictions of public-houses?—No general rule; every complaint is brought under the consideration of the magistracy, and it is discussed, and they deal with it as they see fit.

3408. We have heard of various rules which seem to guide the magistrates in granting licences in different parts of the country; will you be so good as to state to the Committee what is the rule observed by the magistrates of Birmingham in granting licences when applied for?—The magistrates require a list to be made out of all new applications; they then divide themselves into bodies of some four or five gentlemen, and go to the different parts of the town to view the situations of the houses, to ascertain whether they think another public-house is wanted; when they are satisfied that another public-house in the district is wanted, they then examine the premises, because there are very often two or three applications in one district, and they are influenced in granting or refusing the licence by the convenience the house provides, whether it has stables, and whether it is a house of a nature likely to give accommodation to strangers coming into the town; and we give the preference to one of those houses which has those accommodations. Then we inquire afterwards into the character of the individual.

3409. I think I understand you, that a list of applications is made out and submitted to the magistrates before the renewal day?—Yes.

3410. And they view the premises before that day?—Yes; generally between the first licensing day and the adjournment day; because, as I said before, on the first licensing day we grant no new licences. The thing is then laid before us; we adjourn to another day, and in the meantime make the inquiries which I have mentioned.

3411. And the magistrates trust to the reports that are made by some two or three after a view of the premises, and making those inquiries?—They are guided in a great degree by them.

3412. Is there any particular rule by which magistrates determine the number of public-houses necessary for a district?—No, the magistrate who inspects states the grounds upon which he has come to that conclusion.

3413. There is no rule with respect to the population, or with respect to the number of houses already existing?—There is no actual rule; but all those facts are laid before us, and those facts on which the inspecting magistrate has formed his opinion are all taken into consideration by the body of magistrates.

3414. So that in Birmingham, in any district, it depends on the house affording the most accommodation, and being required in the district, that being licensed in preference to another not affording that accommodation, or not being prepared to give any accommodation at that time. Supposing there are two applications for the same district, one house shall afford very extensive accommodation and be quite equal to the wants of the public, the other may be in the course of being built, and when built may not afford the accommodation which the other does, it would be impossible in Birmingham for the man with the inferior house to get a licence instead of the other?—I do not say impossible; I only state that that is the ground on which we act; I do not know that we have ever departed from that. With respect to a house in the course of being built, we never licence a house until it is inhabited.

3415. Does it ever occur that there is any communication on the part of the person applying for the licence with the magistrate before he views the premises, or before the magistrates generally decide upon the licence?—I make no doubt that many applicants do make communications to the magistrates; but my rule, and I believe it is the rule of all those with whom I act, is to decline hearing anything until it is laid before us at the general meeting; I never go into the merits on a private application.

3416. But there is nothing to preclude a canvass of the magistrates on the part of a person applying for a licence?—Nothing but the usage of the magistrates themselves, who decline being applied to.

3417. I think you only speak for yourself, that you refuse to hear any application till you heard the merits of the case?—I know most of my brother magistrates have the same objection, and I believe they all have.

3418. What is the general situation of the party applying for a licence; is he generally an independent man, or is he the tenant or servant of another person?—A good

A good many houses belong to the publicans themselves; others are rented of individuals.

3419. Is that any subject of inquiry on the part of the magistrates, whether the applicant is to be the owner or occupier of the premises, or whether he is merely put in by somebody else?—The question is generally asked, but it would not make any difference in the conduct of the magistrates; if the man is well recommended, and the house is wanted, and in itself contains sufficient convenience, the licence would be granted.

3420. What do you consider to be well-recommended? Do you require the man to bring a certificate or memorial from the neighbours or inhabitants?—They always bring a certificate, and very often it is signed by the churchwardens, and the clergymen of the parish, and any respectable person who is known to us.

3421. But there is always an inquiry into the character of the person applying, and also as to the wants of the districts?—Decidedly so.

3422. Would this decide the granting of a licence as between two men, that one had 30 or 40 people signing his certificate, whereas the other had double the number?—I do not know that the number would decide, but the respectability of the signatures would weigh in favour of the man who had that respectability.

3423. Is there any question as to the character of the beer which he sells?—No.

3424. Is there any question by the magistrates as to where he is to get his beer?—No, we make no such inquiry; but I know from my own knowledge, and the long experience I have had, that publicans in Birmingham generally brew their own beer.

3425. Then generally speaking they must have some capital to take these houses?—Yes, they have a certain extent of capital; they brew their own beer; I do not believe there is a house in Birmingham which keeps brewers' beer; I am not aware of one.

3426. Looking at the licensing of these houses as a means of protecting the public, you do not make them undertake that they shall sell a good article?—We leave that to the public for their own interest to take care of that; the public will not go where they do not get a good article; that is the best protection for that.

3427. I understand licences are not given to all the persons who apply?—No.

3428. Perhaps there is a considerable disproportion between the applicants for licences, and the licences granted?—In 1849, there were 34 applications and three licences granted; in 1850, 41 applications, and seven licences granted; in 1851, 81 applications, and four licences granted; in 1852, 65 applications, and 14 licences granted. The reason we had so much larger a number in 1852, was that there had been a great many old public-houses pulled down by the railways which had gone through the town, and new houses were licensed in the suburbs where they were more wanted.

3429. What determined the magistrates in granting so very few as four licences out of 81 applications?—We thought there were no more wanted, and that we should be injuring the public-houses in the neighbourhood, by setting up a rivalry which could not be wanted by the public, and where it was not at all likely that the two public-houses it established would be able to maintain themselves.

3430. That is one principle acted upon by the magistrates in the district?—Yes.

3431. For the protection of existing interests or for the protection of the public?—Most decidedly to protect existing interests. Where there is a capital embarked which is large in proportion to the individual who has got it, we conceive it is the duty of the magistrates not unnecessarily to establish a competition, because the publicans are under great restrictions: they are liable to have soldiers billeted upon them; they are accountable to the magistrates if they harbour improper persons; they are liable to pains and penalties, and to forfeiture of capital; and as the law has put them under such restrictions, we think, as long as they abide by those restrictions, they are entitled to protection from the law, and therefore we do not grant a licence to the injury of one who is already licensed.

3432. But all persons who become licensed victuallers would be subject to the same liabilities or restrictions which the law imposes upon them?—Yes, no doubt.

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3433. And they are ready to undertake them?—They are ready to undertake them when they are applying for a licence, but they very soon afterwards find out the mistake; they find they have done themselves no good, while they have done their rivals a great injury.

3434. And that, I presume, would be more manifest to them if they all got the licence on applying?—Yes, of course it would.

3435. And probably such a number of applications would not re-appear the following year?—Very likely not.

3436. The thing would correct itself under those circumstances?—It would correct itself through the ruin of a very large class of existing publicans.

3437. But that is the way in which every other trade has to protect itself?—From the licensing of the beer trade it rather differs from any other trade; there is no other trade that is put under the same restrictions.

3438. But they are willing to run all the risk you speak of?—They are willing to run all the risk, in ignorance of what that risk is, I think; and I know my brother magistrates who act with me think that it is not right to license public-houses where public-houses are not wanted, the only effect of the licence being to injure those who are already there.

3439. In fact, the magistrates protect these tradesmen against their own interest?—They protect a tradesman who is trading under their licence.

3440. That might be useful to those who have a licence, but it might be inconsistent with the interests of the public; certain publicans would get a sort of monopoly in the sale of what they deal in, and the public would have no choice?—I do not know any instance where that case does exist; there is always sufficient for the purposes of the public. I believe the result of the opposite course would be otherwise: that if you were to license a great many publicans more than the trade and the wants of the town can enable properly to maintain themselves, the first result would be the ruin of a great many of the old ones, followed by the ruin of those who had been thus unnecessarily licensed, and it would end in there being fewer public-houses than the wants of the town really require.

3441. Then the effect of having the trade open would be that the number of public-houses would be reduced?—Ultimately, by the ruin of the present houses.

3442. Is there any complaint of the character of the beer in Birmingham?—I never heard any; I make no doubt that there is bad beer brewed in some public-houses; there always will be.

3443. Would some of these houses undertake not to sell brewers' beer?—I do not imagine the people would give such undertaking, but it is very well known that they do not; and sometimes prejudice has been so great against brewers' beer in Birmingham, that even if a brewer's dray was seen at the door delivering porter it created a suspicion against the house; and many of the publicans, I believe, brew their own porter now.

3444. Then in places where nothing but brewers' beer is sold, the community are not fortunate?—I do not know of any such place. There is no such place in any part of the country where I license.

3445. You know the peculiarity of Birmingham, which you have just stated, that the publicans brew their own beer, and that the people will not drink brewers' beer?—That is so.

3446. That is from some experience of its quality?—I do not know.

3447. The magistrates, as we know, have no power to grant licences to beer-houses?—No.

3448. Anybody that pleases takes out a licence for a beerhouse?—Under certain regulations; they must be recommended by six householders to the Excise.

3449. In your experience, have you known any objection to that system in Birmingham?—I know that, when it was first established, a vast number of persons opened beerhouses, and they were then very badly conducted, and greatly complained of; it tended, first of all, very greatly to injure the respectable houses, and it did not benefit the beer-sellers; for there were so many opened, a great many of them lost the little they had embarked in it. The character of beerhouses, I think, is very much improved of late. I think they are kept by a better class of men, and the houses are better conducted, although there are some still that are not well conducted. I find in the borough of Birmingham now there are 578 public-houses, and rather more than 1,000 beerhouses.

3450. A great number of people went into the trade when it was thrown open

open so far in 1830, but the effect at first was that too many were opened by persons not of the best character?—Just so. I think they are improved.

3451. That part of the trade has adjusted itself to the wants of Birmingham, the beerhouses are fewer, and the beerhouse keepers are more respectable?—I think they are; in 1850, there were 145 licensed victuallers out of 578 summoned before the magistrates, and out of the 145 summoned, there were 127 convicted; in 1851, there were 106 summoned, and 91 convicted; in 1852, there were 78 summoned, and 55 convicted. Of the beerhouses in 1850, there were 397 summoned, and 333 convicted; in 1851, there were 367 summoned, and 290 convicted; in 1852, there were 272 summoned and 215 convicted. That is a return made by the clerk to the magistrates.

3452. Then the informations against both, and the convictions against both, have been fewer each year for the last three years?—Yes.

3453. What has been the character of the offences, for which both classes of houses have been convicted?—Chiefly for keeping their houses open unduly in the morning. Beerhouses are limited to a time; public-houses are not. I think I can state what those offences are; in 1848, 74 public-houses were convicted for keeping open after 12 o'clock on Saturday night; in 1849, there were 116 convicted; in 1850, there were 127 convicted; in 1851, there were 91 convicted, and in 1852 only 55.

3454. Is that also the offence of the beerhouse keepers?—I have not a list of the beerhouses convicted for keeping open; they are included in the total number; I have not got the offences specified.

3455. Do you believe that that is owing to the people being less drunken?—I believe that drunkenness is very much on the decrease in the town and neighbourhood of Birmingham. I think the people seek their amusement in another way.

3456. People have been much better off for the last two or three years?—Yes, they have; the labouring classes are very well off.

3457. When they have more work, and more to eat, they drink less?—I do not think it is owing to that, because when there comes a time of great distress, when there is anything which has stopped trade very much, and labourers are out of employment, publicans are the first to cry out; they are the persons who first of all feel it. I think the character of the people is altered; I observe an improvement; I think drunkenness is becoming less their habit.

3458. Is there any offence that is peculiar to the beerhouse, that is not also charged against the licensed victualler's house?—I really cannot give you any information upon that subject. I do not know of anything, except that generally they are a lower grade of persons who keep the beerhouses: they have less capital at stake, and of course less to lose in case their licence should be taken away; and therefore they are perhaps not so likely to be guarded in their conduct as men who have more capital in their business. But there are exceptions; there are some beerhouses kept by very respectable men, and which are very well regulated.

3459. As a magistrate, you have had to consider the informations laid against beerhouses as well as against public-houses?—Yes.

3460. Have you observed that any evil has arisen from their not being subject in the same way as licensed houses to the jurisdiction of the magistrates?—I think the return shows that there are more beerhouses convicted in proportion to their numbers than public-houses.

3461. But for pretty much the same offence?—For very much the same offence.

3462. Do you observe that the beerhouse keepers are improving?—I think they are very much improving; I think the houses are getting into the hands of more respectable people.

3463. What is the mode in which they are dealt with generally when they are brought before the magistrates; are they fined?—Yes, generally.

3464. Are they able to pay the fine; do you ever imprison them?—I do not recollect any case. I have not acted for the last two or three years much; but I do not recollect any case in which they did not pay the fine.

3465. You do not know any case in which the licence has been suspended, or any notice sent to the Excise that any particular beerhouse keeper should not have his licence renewed?—I cannot say I know of any case myself.

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3466. You are not aware as a magistrate, of the fear of the withdrawal of the licence having any effect on the beerhouse keeper in the conduct of his house?—I take it for granted it has an effect; I do not know of any instance of it.

3467. I think I understand you to say that you know of no instance of a beerhouse licence having been suspended?—I do not know of any.

3468. Do you say that the penalty is generally paid?—Generally, I think.

3469. Is it your opinion that the beerhouse keeper would be improved, and the house generally be more respectable and better conducted, if he was to be subjected to the jurisdiction of the magistrates as regards his licence?—I think he would, for this reason, that the magistrates being responsible for the peace of the town, would take greater pains to make inquiries into the character of the persons who recommend them than the Excise does. The object of the Excise is to get as many licences out as they can, and I do not think they are sufficiently nice very often as to the persons who recommend them; I think also they would be under much more vigilant inspection by being under the magistrates.

3470. Would it be possible for the magistrates to make sufficient inquiry into the characters of the 1,000 beerhouse keepers on their annual applications for a renewal of their licenses?—I think it would be possible for the magistrates to get such information as would enable them to form a very good opinion of the character of those men.

3471. Then if you recommended that change, it would be in order that there should be more inquiry into the character of the men when they first apply for the licence?—Just so.

3472. And if any security could be given that those who granted the licences should only give them to persons of good character, that would meet your views?—I do not know what you mean by security given.

3473. For instance, it has been suggested to the Committee that persons who give certificates of character should enter into a bond for the payment of all penalties in case of conviction; that would give a reality to the certificate which it is supposed would be sufficient; would that meet your views of the amendment required?—I think that would effectually stop a great many new applications, but I do not think it would be just to the old ones; it would in many cases take away from them their licences, because they could not get their sureties renewed, and it would be an injustice to them to destroy their capital. It would effectually stop a great number of licences, because a number of people will sign a certificate of their general knowledge of a man's character, who would not like to be answerable for any penalties he might incur.

3474. You think that would be sufficient?—Yes.

3475. You think that is the only check required?—To check new licences.

3476. Do you know of any mischiefs that follow from licensed houses which do not occur in beerhouses; is not gaming sometimes carried on in licensed victuallers' houses?—It is, no doubt, carried on in both.

3477. Licensed victuallers may take out a licence, and the magistrates may grant it for billiards and bagatelle?—Yes.

3478. That is seldom done in beerhouses, I believe?—I cannot speak to that. I do not know whether there is any objection to granting a billiard licence, or giving it to a beerhouse; I am not aware of that.

3479. Do you know anything about the system of betting which prevails so much now in certain houses?—I do not know.

3480. You do not know whether that has extended in Birmingham as much as in other places?—I do not.

3481. Mr. *W. Brown.*] Do you know that beerhouses are liable to have soldiers billeted upon them in the same way as public-houses?—Yes, they are.

3482. Would you think it an improvement if the police were directed to enter both beerhouses and public-houses at the request of the landlord, when he found he had people half drunk not disposed to leave his house at a proper hour, to assist in getting them out?—They have that power, and I know it is constantly practised. I know if a publican stated before a magistrate that he had complained to the police, and the police had not attended to his application, the man would not long continue a police constable.

3483. *Chairman.*] Perhaps you mean, if any offence be committed in a public-house, the police would be obliged to go in and take the charge?—Yes.

3484. The question is, when a man has his house full of people, and wishes to

to get rid of them, and he has no power himself to turn them out, whether he has the power to call in the police to do it for him?—Certainly he has, and the police always attend to it; it is of frequent occurrence.

3485. Mr. *W. Brown.*] Do you not think that if the beerhouses and public-houses were put on the same footing of giving security to the magistrates for the good conduct of their houses, it would secure better regulations in all?—Probably it might.

3486. Prior to 1817 the magistrates were in the habit of taking bonds from publicans; but inasmuch as the magistrates were too good-natured, and too lenient, they never put those bonds in force?—I never knew of that practice.

3487. If bonds were now taken, and the magistrates had not the power of being so good-natured; but when the licence was taken away, the Excise would have the power of enforcing those bonds; would not that secure a better class of houses?—First, I would say that I do not know that such a power ever existed; I do not think it ever was acted upon in my part of the country.

3488. Supposing bonds were taken, are the bondsmen not much more likely to know the character of the individuals for whom they give them, than the magistrates, and at the expiration of every year, if they found they were deceived in the character of the man for whom they gave the bond, they would have the power of cancelling that bond; and unless the publican knew some other equally responsible parties to satisfy the magistrates of his respectability, he could not get his licence renewed; do you think that would be an improvement on the system?—I think it would tend to have a better class of persons keeping public-houses, but I think it would be exceedingly unjust to require that from the old publicans who have got their licences, unless they have committed any offence which would justify the magistrate in stopping the licence.

3489. Would you not think it desirable that the magistrates should have very stringent powers, not in the first instance to take away the licence, but to impose a heavier fine when any publican was found to act improperly?—I do not know what greater power you can give them, than the power of suspending the licence.

3490. Supposing the magistrates, on tender of security, informed the Excise that those individuals had been fined once, or twice, or three times, and if the Excise then refuses to grant a licence, the individual would have no redress probably but applying to one of the courts above; so that the magistrate would not be placed in the invidious position of taking away the licence, and being accused of all kinds of favouritism and injustice, but would be saved the trouble of prosecuting it if the Excise were to do it instead of the magistrate; I am assuming that the beerhouses are to be put upon the same footing as public-houses?—Assuming that the beerhouses and public-houses are to be put on the same footing, the question is whether it would not be advisable to give the Excise the power of taking away the licence on the application of the magistrates, instead of the magistrates having the power to take away the licence themselves.

3491. And in place of the magistrate being appealed against, and probably brought before the quarter sessions to defend the appeal, that that duty should be thrown on the Excise?—I think it would not be advisable; that the power had better be left where it is, with the magistrates, and that the excise officer would be less likely to exercise it satisfactorily.

3492. Mr. *K. Seymer.*] Can you state the number of cases in which licences have been refused to be renewed, in consequence of statements appearing on the police-book, which you have mentioned?—No, I cannot.

3493. You stated that the disputed licences were generally disposed of at a subsequent meeting?—Yes.

3494. Are we to understand that new licences are always disputed?—Very often, and the licences that are disputed are always disposed of at the subsequent meeting.

3495. Are they frequently disputed on a ground, irrespective of the character of the applicant and the position of his house; viz., simply on the ground that it would be prejudicial to the rights of parties already possessed of public-houses?—Frequently; on the ground, no additional house was wanted.

3496. *Chairman.*] You have inferred from the returns that there are more complaints against beerhouses than there are against public-houses; does not that

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arise from there being a very stringent law as to hours with respect to beerhouses which does not apply to public-houses?—To a certain degree.

3497. Mr. *Barrow.*] Do you know the hour at which beerhouses are compelled to close at Birmingham?—No, I cannot tell you; I forget.

3498. The magistrates fix the hour?—Yes.

3499. Mr. *K. Seymer.*] You have stated you pay some attention to the memorials you receive as to character; does your experience of those memorials as to character induce you to attach any great importance to them?—I should say upon the whole, not; but there are memorials that come before us which have great weight.

3500. Is it not the fact that persons, themselves of very good character, do, out of good-nature, or easiness, or some other reason, give attestation of character to persons whose characters are very indifferent?—Frequently so.

3501. You stated your opinion that, under a perfectly free system, the ultimate result would be that the wants of the neighbourhood would not be sufficiently supplied?—I stated that would be the ultimate consequence, that consequence arising from the ruin in which it would involve, first of all, the old licensed publicans, and secondly, their new competitors.

3502. Do you think such a result under a free system could permanently be the case in any neighbourhood?—Ultimately it would find its level; but it would be through great injustice, and a great deal of ruin of the present licence holders.

3503. You cannot instance any neighbourhood in which the number of grocers or butchers or bakers is permanently insufficient for the wants of that neighbourhood?—I do not think there is any analogy between a butcher and a baker and a publican; in the first place, everything in a public-house or a beerhouse depends upon having a free quick draught for the article. A butcher of course must equally depend upon a free demand for his article, but then he has his remedy: he can go and sell his meat in the market at a low rate; but if a man buys a considerable quantity of beer, and does not sell that within a reasonable time, the beer itself becomes lost, it is all gone, he cannot sell it or make anything of it; when a man sells beer he must make his calculation as to what the demand will be.

3504. *Chairman.*] Do you confine that observation to the beer trade?—Yes.

3505. The beer trade is so far open, that anybody can open a house for the sale of beer?—Yes. Why do they not? Because they find that very inconvenience I have mentioned.

3506. For the sale of beer a person can have a licence from the Excise?—Yes; the question was whether the whole trade should be thrown open, so that anybody might sell beer without a licence, and without control, in the same way as the trades of grocers, butchers, and bakers; I think not; it is a trade by itself.

3507. Mr. *W. Brown.*] Are you not aware that in such weather as this a butcher has a good deal of meat which spoils as much as beer does?—Yes, but they have a market in which they can sell their meat before it is spoiled; the publican cannot do that.

3508. Mr. *Barrow.*] I think you said you had no difficulty in levying fines, that the fine has been always paid which has been imposed by the magistrate?—I am not aware of any instance; I do not say that none such have existed.

3509. So that a mere security for the payment of the fine would be of no serious importance, inasmuch as the fine is always forthcoming?—Yes; I think you would find people very unwilling to enter into a security to pay the fine.

3510. It would be more effectual if it were a security which rendered the person giving it liable himself to pay something for every conviction; that perhaps would insure his friend's payment?—Yes, no doubt it would; but I think you would not find many people willing to enter into those sureties.

3511. Mr. *W. Brown.*] Is there any doubt in your mind whether the trade of a town does not sufficiently regulate the number of beerhouses required to meet the wants of the place?—There are always sufficient public-houses and beerhouses to meet the wants of the place, but so it would have been if the beerhouses had not been established; the public-houses would always have been sufficient to supply the wants of the town.

3512. *Chairman.*]

3512. *Chairman.*] I believe you attend also on transfer days?—I used to do so; I seldom do now.

3513. Did you ever observe that there were a great many transfers made in the course of the year?—Yes, a great many; there have been more lately than usual, which rather convinces me that the publicans do not find their trade so beneficial as it used to be.

3514. The magistrates do not sufficiently protect them; they have licensed so many?—There have been too many beerhouses perhaps.

3515. Have you inquired, with respect to those transfers, the reason why they are transferred, and the persons to whom they are transferred?—No; we know who they are transferred to, but we do not know the reasons.

3516. Do you happen to know whether transfers take place very soon after the licence is granted?—I really cannot give you any accurate information on that point; I have not acted for two or three years.

3517. When you did act, there were a great many transfers in the course of the year?—Several.

3518. Has any change in the general appearance and character of these licensed houses taken place in Birmingham, as far as you know, such as to make them more attractive, either in their articles or their internal arrangements?—Several have opened what are called gin palaces, making some very splendid rooms, and lighting them up brilliantly in order to attract people in.

3519. That would be where spirits are sold?—Yes.

2520. Where licences have been granted?—Yes.

3521. That is of a recent date, is it not?—Yes; it has been increasing for some years now.

2522. Do the magistrates take notice of that; do they discourage it, or object to renew the licence where it had been done?—We have no power to take notice of it; we should not be justified, I think, in refusing a licence because the man had opened a gin palace, unless it was carried on in a disorderly way. I know there has been a meeting lately in Birmingham, chiefly of the gentry, magistrates, and clergy of the place, who wish to have some restrictions put on those gin palaces, and I believe they are contemplating taking some steps to endeavour to stop them; I rather think some of those gentlemen would be glad to give evidence before this Committee on the existence of those places.

3523. Are there any other attractions besides those which are of comparatively recent date which have been established, such as concerts, or rooms for dancing?—I think music and dancing have been considerably increasing in the town of Birmingham lately.

3524. There is no licence required from the magistrates for that?—No.

3525. That, I suppose, is for the purpose of encouraging people to drink, or to bring customers to the public-house?—No doubt it is an attraction to their house.

3526. With the magistrates it is no objection to a publican that he should have attached to his premises rooms for that sort of purpose?—No legal objection.

3527. It is not an objection to renewing the licence, or granting a licence originally, where it is known that he has that kind of accommodation?—The magistrates would be a good deal guided in granting a licence by a knowledge of the fact whether it was intended to open a music-room or not; I think they would not grant a licence if they knew that was the intention, but I do not know that they would be justified in taking away the licence if the man opened such a room, provided that room was orderly and decently conducted.

3528. But do the magistrates set their faces against music in Birmingham?—No, certainly not.

3529. Do you think there is any harm arising out of these concerts, or rooms for dancing?—There is a feeling in the town, and I think not an unfounded feeling, that young people of both sexes are attracted to those rooms, and I do think there is a great tendency to demoralize that class of society.

3530. You say these houses are of recent date?—Yes, comparatively so.

3531. I believe that you have observed an improvement generally in the morals of the people?—As far as drunkenness goes, certainly.

3532. People are, generally speaking, more civilized and better conditioned than they used to be in Birmingham?—They are certainly, I believe, a much more moral people, and have become so as education has generally increased among them; that is beginning to have a very beneficial effect.

3533. Are there any restrictions you would put these houses under; is there

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any change in the police regulations you would suggest?—I am not prepared to recommend any; but I know there is a very strong feeling that the Metropolitan Police Act, with which I am very imperfectly acquainted, should be extended to all large towns; I speak with hesitation on that point, because I have not studied that Act.

3534. You have a police which has been established in Birmingham of late years under a local Act, have you not?—Yes, we have.

3535. That is sufficient for the town?—I do not think it is; I think it ought to be increased. There is a great difference of opinion upon that, but I do not think the force is sufficient; it is a very large district they have to cover. The police of the borough consists at the present moment of one chief superintendent, five inspectors, six sub-inspectors, 26 serjeants, and 290 constables, of which the annual cost is about 20,000 *l.*

3536. The police have a sort of jurisdiction over all places of public resort, have they not?—Yes.

3537. They have a right to go in wherever people are assembled together?—No doubt; they have a very large area to cover.

3538. I presume, if any offences are committed in these places, the magistrates are entirely dependent on the police for evidence?—Not entirely.

3539. They are the persons who chiefly give evidence against these houses?—They give information; but we should not act upon the single evidence of a policeman, unless he was corroborated, and it is open to the person charged to bring evidence in his defence.

3540. Who are the persons who appoint the police; are they, as in many large towns, the watch committee?—They are the watch committee.

3541. Are the police quite independent when so appointed; would they venture to inform against a house belonging to one of the watch committee?—I should say decidedly so; but I do not know that any of the watch committee have any public-houses; I am not aware of any; they may have, but I do not know of any; but I should think the police would be perfectly independent.

3542. Beyond an increase of numbers, you have nothing to suggest as to the improvement of your police regulations at Birmingham?—No, I think they are very good.

3543. For the purpose of superintending these houses, you think the law is sufficient, if the numbers were increased?—For the purpose of superintending the houses, the number is sufficient, if they had nothing else to do; but they have a large country area within the borough of Birmingham. It goes two miles into the country in two ways, and it goes a considerable distance in a third way. They have a very large area over which they have to be employed, and I think the police force is not sufficient.

3544. Do you happen ever to have heard the difference in the value of public-houses, when they were licensed, and before they were licensed?—It depends a great deal upon the situation in the borough; it depends also on the size and character of the house, and upon the character of the individual.

3545. But, in fact, it does improve the value of the house the moment it is licensed?—I should say the goodwill of the trade of a house and the licence would vary from 100 *l.* to 300 *l.*, according to its situation. It depends entirely on the situation, and the character the house had established.

3546. Then it is a great favour and advantage conferred by the magistrates upon a person when they license his house?—It is a much greater loss to take one away, because the mere conferring of a licence does not add a great deal to the value of a house until it is established as a public-house, and until there is a character affixed to it.

3547. But on the event of a man getting a licence, you have no doubt there would be an additional value given to the house, compared with what it had before the licence was given?—There would be a difference.

3548. Mr. *W. Brown.*] Do you think the goodwill of a beer-house is equally valuable with the goodwill of a public-house?—No, nothing like it.

3549. Do I understand you to say that you think the goodwill of a public-house in Birmingham would not exceed 300 *l.*?—I have made inquiries on that subject of a gentleman who is likely to know; he is the solicitor to the Licensed Victuallers' Association, which is a very valuable and useful institution in Birmingham, tending very much to elevate the character of the publicans; I inquired of him whether he could give me any information as to what the goodwill of public-houses

houses was; his reply is, "As to the goodwill of houses, the majority of them are worth from 100 *l.* to 200 *l.*" *R. Spooner*, Esq. M. P.

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3550. Mr. *K. Seymer.*] When you visit a district for the purpose of ascertaining its acquirements, do you take into consideration the beershops in the district as well as the public-houses?—No doubt.

3551. Mr. *Barrow.*] I think you say in one year there were very nearly 400 informations against beerhouses, and 145 against public-houses?—There were 397 summonses against beerhouses, and in the same year, there were 145 summonses against public-houses.

3552. That would be 542 altogether?—Yes.

3553. Then the question I wish to ask is, whether those summonses have all been issued at the instance of the police?—That I cannot say.

3554. Have the magistrates derived any assistance from the association you spoke of?—The association has established an asylum for the widows and orphans of licensed victuallers; it has likewise established schools. That association has some very valuable rules and regulations. One of its objects is to endeavour as much as possible to raise the character of publicans; and they are very willing to give assistance to the magistrates in the case of any person who conducts himself improperly; while, at the same time, they are ready to defend any publican who has been unjustly harassed by informations. I must say it is a very useful association; it is patronized by some of the magistrates round about; some of them are patrons; and it is doing a great deal of good in the town. Their asylum is a very valuable one, and is increasing every year in its advantages.

3555. Mr. *W. Brown.*] When a licence for a new public-house is sought to be obtained, do the Licensed Victuallers' Association send their solicitor to oppose it, and state why it should not be obtained?—Very frequently their solicitor attends on the part of individuals, but not, I believe, on the part of the association.

3556. *Chairman.*] It is the solicitor of the Licensed Victuallers' Association who attends to oppose new licences when they are applied for?—The solicitor of the association does attend for individual members of that association, but he is not the only one; several solicitors attend, who endeavour to point out to the magistrates that it would be an injury to grant new public-houses in certain places, and the magistrates always hear what they have to say, and give it what weight they think it deserves; but the association, as an association, does not send its solicitor, I believe.

3557. Does anybody else attend, such as the clergyman of the parish, or persons who are particularly solicitious about the morals of the people?—They very often send a request to the magistrates not to license; if they know of any place applying to be licensed where they think the house is not wanted, and likely not to be well conducted, they write to the magistrates to say that it is not wanted, and that there are houses enough in the neighbourhood; they have also attended several times in a body to request the magistrates not to grant more licences.

3558. Mr. *W. Brown.*] Does the opposition proceed from persons having property in the neighbourhood?—Persons having property in the neighbourhood do sometimes oppose, when they are likely to be injured by it.

3559. That is not the general character of the opposition?—No.

Edwin Ward Scadding, Esq., called in; and Examined.

3560. *Chairman.*] ARE you Clerk to the Magistrates for the district of St. Pancras?—I am. *E. W. Scadding*, Esq.

3561. Did you attend the magistrates on the last licensing day?—I did.

3562. Do you remember an application made by a beerhouse keeper of the name of Grose for a licence?—I do.

3563. Are you acquainted with the circumstances under which that licence was refused?—I suppose the magistrates thought it was not necessary to grant it, and they did not grant it.

3564. Do you know that he made an application two or three years successively?—I believe he did.

3565. Do you remember the other persons who applied at the same time that he applied in those years?—Yes, I do.

3566. Were they the same persons?—The same persons.

3567. What were the names of those persons who applied when Grose applied?—I think there was a man of the name of Jones, and a man of the name of Foster.

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3568. Foster's premises are near Grose's, are they not?—They are all close together.

3569. You remember that Foster got a licence, and Grose was refused?—Foster got his, and Grose did not get his.

3570. Do you know yourself the premises of both?—I know the position of them.

3571. I believe Grose's premises were already occupied, and afforded more accommodation than Foster's?—I should think not; I am not aware that Foster's premises were completed.

3572. Are we to understand that you had visited the premises before?—I had not visited them this year.

3573. You do attend the magistrates when they go to visit the premises for which a licence is applied for, do you not?—If the magistrates ask me to go, I do.

3574. You did not go in this case?—I did not.

3575. Have you seen a copy of the evidence which Grose has given before this Committee?—Yes, I saw a copy of Grose's evidence.

3576. Have you any remark to make upon it?—No, I have not.

3577. There is no part of his statement which is at all inaccurate?—I cannot say that; if I am asked why the magistrates did not grant his licence, or either of the three licences, on the first occasion, it was, I apprehend, because of the uncertainty of their having the means of doing so. The whole of the premises where Foster's house now stands and Jones's house now stands, might have been taken away by the Great Northern Railway Company.

3578. Had the company, by their Act, the power to deal with that ground in any way they chose?—Yes, they had the power to take an immense tract of land, and a great number of houses, which they took, where their terminus and railway premises now stand; they had also the power to take the whole of the houses from the corner of King's Cross up to the extent of Egremont Place; they had also the power to take down a vast number of houses in the immediate neighbourhood, including three public-houses, one of which was a public-house occupied by Foster; two of those houses were taken down by the company, and then Foster applied to the justices to transfer the licence from that house to some other house in the neighbourhood, under a clause in the Act of Parliament, authorising the justices to grant licences for other premises to publicans whose houses have been taken down for public purposes; but the justices were of opinion, that inasmuch as so many other houses in the neighbourhood had been taken down, the wants of the district were sufficiently provided for, and therefore they refused to do it.

3579. Do you mean that the wants of the neighbourhood were reduced by pulling down the public-houses?—By pulling down 200 or 300 other houses; Foster applied to have his licence transferred to another house in 1851, and the magistrates thought they had not the power to do it under the Act of Parliament. Then Grose, Jones, and Foster again applied at the annual meeting in 1852 for licences, and I believe the justices thought, that as two of the houses might be taken by the company and pulled down, it would be hardly fair to grant licences, and to make the company pay for that. I am now stating my own opinion; I believe they thought it would not be right for them to do so under those circumstances, until the railway company had decided upon the course which they meant to pursue with respect to this property.

3580. We are inquiring about Grose's house; do you mean that the company had power to pull down Grose's house?—I do not think they had.

3581. Did not Grose apply before Foster and the other man applied?—I am speaking of 1851; in 1851, Foster applied to have his licence transferred to another house.

3582. Have you any doubt about Grose having applied before 1851?—I do not recollect when he first applied.

3583. He may have applied in 1849 and 1851, for what you know?—From what I recollect, the dates he has stated are correct as to the applications.

3584. You say there was no power in the company to pull down Grose's house?—Not that I recollect.

3585. Was there any reason to suppose that a house was not wanted in the neighbourhood?—I think, if I recollect rightly, the bench was divided on those two houses.

3586. We are talking about Grose's house; you said the reason they did not give

give Foster and the other man their licences was, because the Great Northern Railway Company had the power to pull those houses down?—I am speaking now of 1852.

3587. Still the justices thought the company had the power to pull those houses down?—They knew it; the plan was before them.

3588. And they did not think that the district required another public-house?—I do not know that; Grose's house stood between two public-houses.

3589. Let us hear, as far as you know, what it was that the magistrates doubted about; did they doubt about the company pulling these houses down, or whether a public-house was wanted at all?—I should think both.

3590. Did they license those houses?—The house that Foster applied for was licensed at the last meeting.

3591. They had no doubt, when Grose applied, about the company's power?—No, not as to his house.

3592. They had no doubt in 1852 as to the requirements of the district?—I do not know.

3593. They granted Foster's licence, did they not, in 1852?—No, they licensed neither until they could see what the railway company were about to do. It was stated that the company were about to erect a tavern, or a public-house, or something of that sort, on the very site where these houses stood; and, therefore, that might have influenced the justices in some measure. If they knew a public-house had been applied for by the company, or they had any idea of applying, they might have doubted whether that house of Grose's was required or not.

3594. That would be a question between the company's new tavern and Grose's house?—I suppose it would.

3595. When was it they granted Foster's licence?—At the last meeting, in March 1853.

3596. Did Grose apply again in 1853?—Yes; the two cases were heard together.

3597. As they were heard together before?—Yes; in 1852, as I stated, the justices were not in a position to decide upon it.

3598. Now, as to the circumstances of these two houses, I think you told us that the house which had the licence was not completed?—I believe it was not.

3599. I believe you have no doubt that Grose had applied for several years before, and that the company never could have pulled his house down, and that his house was ready open for the accommodation of the public?—Yes, such as it was.

3600. Can you assist us at all in understanding why the magistrates refused the licence to Grose and gave it to Foster?—Not the least.

3601. Was it a decision upon the merits?—Yes.

3602. Do you know whether Grose's was what is called a free house?—I do not.

3603. Do you know the fact that Foster's was not a free house?—I really know nothing about it.

3604. Have you ever heard of Mr. Lyall?—I have.

3605. Was Mr. Lyall the owner of that house?—I do not know.

3606. Have you ever heard that he was a brewer?—I have heard he was a brewer.

3607. He has other houses besides that?—I do not know indeed.

3608. However, you cannot give us any information as to the reasons upon which the justices decided against Grose?—Except that when the votes were taken, there were five for Foster and three against him; when they were taken for Grose, I think they were equally divided, four and four.

3609. Who was the chairman?—Mr. Cancellor was chairman on that day.

3610. You have nothing to say against Grose's character?—No.

3611. And you have nothing to say against the correctness of his statements?—No, as to the number of signatures and times of applying.

3612. Then what he has stated here may be taken as true?—I dare say it is as to that.

3613. Mr. *Barrow*.] I wish to ask you, is not this the fact, that Foster was a man who previously had a licence for several years?—Yes.

3614. Had he, at any time during that period, been informed against?—I think there was a report made by the police against him in one of those years.

3615. You are not aware of more than that?—No.

3616. And that man, having had a licence for several years, was preferred to a man

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a man who had not previously had a licence?—That was the fact; four out of eight were for Grose.

3617. *Chairman.*] Grose was a beerseller?—Yes.

3618. Did you ever hear of his being informed against?—No.

3619. You never heard anything against him in the slightest degree?—No.

3620. Is Foster in possession of his premises now?—Yes.

3621. You do not know of the licence having been transferred?—No; I know it has not.

3622. Is the house open yet?—I am not aware.

3623. You cannot tell us how often he has been informed against?—I never heard it more than that once.

3624. Mr. *W. Brown.*] Do I understand you that he was fined then, or only informed against?—I believe he was fined. When the magistrates hold their meetings, either for transfers or anything else, they send for the list of fines from the police station, and if the party is coming from a fresh neighbourhood, they send to the station in the neighbourhood from which he is coming.

3625. *Chairman.*] I think you do not know anything about the property yourself, as to the value of it?—Not the least.

3626. You do not know what the property was worth which he got a licence for?—No; they vary a good deal, according to situation.

3627. Mr. *Barrow.*] When you said that Foster's premises were not completed, you did not mean to say they were not occupied?—He must have been in possession of the premises at the time; I believe they were not fitted up; I do not know the fact; I only said so because I had not seen it.

3628. *Chairman.*] Do you remember anything about the memorial which Grose presented?—No, I do not.

3629. You did not hear that it was signed by the two churchwardens and the clergyman?—I think that is very likely. Mr. Radclyffe, the clergyman, is likely to sign such a thing.

3630. You do not believe that Mr. Radclyffe signed it improperly, do you?—Certainly not. I think the clergy never ought to sign such things. The late vicar, Dr. Moore, never would, and I have advised the present vicar, Mr. Dale, not to do so. The clergy sometimes come to me and say, "Here is a paper, shall I sign it?" I always tell them not to do so.

3631. They do not sign memorials for two applicants for a licence, do they?—I think they do, sometimes.

3632. Do you know the difference between the signatures to Grose's memorial and Foster's?—I dare say Grose's statement is correct, because if he went about first, he would get the signatures first.

3633. How long have you been clerk to the magistrates?—Thirty-five years.

3634. Is there not more importance to be attached to a memorial than that, viz., that the person who starts first on the ground gets the clergyman, the two churchwardens, and the most respectable inhabitants to sign it?—Yes; I cautiously guarded myself against saying that the clergy sign such things in that way; they are generally very careful.

3635. But, as I understand you, the number of signatures to these memorials depends on the activity of the party?—Yes, pretty much.

3636. You think that, true or false, people sign them without much scruple?—Yes.

3637. And that the person who shows the most activity may get the signatures of the churchwardens?—It is possible that he may.

3638. And of the clergy?—When they first come.

3639. When the clergyman first comes into the parish, he can get his signature?—I think it is more likely than after he has been there for some time, because he is inexperienced; a clergyman would hardly venture to sign a recommendation for a public-house, unless he knew very little of the neighbourhood.

3640. Do you think the more he knows of his parishioners, the worse he thinks of them?—It may be so in some places.

3641. Is it not the clergy, churchwardens, and inhabitants who sign these memorials?—The clergy sign very seldom; the churchwardens have done so lately; I never saw petitions so frequently signed by the clergy and churchwardens until of late years.

3642. How is it that the magistrates learn the character of the applicant?—Every person applying is required by the present Act of Parliament to give notice of his application,

application, and he must state in that notice where he has resided for the last six months; that gives the magistrates an opportunity, through their officers, of inquiring into it.

3643. And they rely on their own inquiries into the character of the applicants for licences?—I should think so; when I say that these memorials have not much weight, it depends upon the signatures; if you were to sign one, or any other gentleman who is well known, it would be a different thing.

3644. If persons resident in the neighbourhood of the applicants were to sign a memorial, stating that the person was of good character, and that the licence was required for the wants of the neighbourhood, you say, although that memorial be numerously and respectably signed, that is not a thing which has weight with the magistrates?—Sometimes it has weight; if persons in the immediate neighbourhood were to sign such a memorial, I have no doubt it would have weight.

3645. Does the want of the neighbourhood determine the magistrate at all in granting a licence?—That is everything they are guided by; they say, first, what does the neighbourhood require? secondly, is it a proper house? thirdly, is the applicant a proper man? Those are the questions I hear them ask.

3646. Then are you correct in saying that they do not take much heed of these memorials, which profess to inform the magistrates of the wants of the district?—They profess to do so; but sometimes we have memorials from a long way off. For example, a man applied for a licence in the neighbourhood of the Regent's Park, and he got a memorial signed by people in Gower-street, Marchmont-street, and Burton-crescent.

3647. Do we understand, that if the memorial is signed by the neighbours of the applicant, the magistrates attend to it; but if it is signed by persons who only know the character of the individual, and do not live on the spot, it does not have any influence?—The character and the situation follow each other; they say we think the house is necessary, and the man is of good character.

3948. Mr. *K. Seymer.*] Is it not the fact, that the memorial is drawn up and worded by the solicitor of the applicant?—Yes, very often.

3649. So that it is not the language of the neighbours who sign it, but of the applicant himself?—Yes, and perhaps out of 100 who sign it, 10 do not read it.

3650. *Chairman.*] You do not attach any importance to the signatures then?—As I stated before, if I saw your own name, or that of any respectable person residing in the locality, it would have weight with me, and I apprehend with the justices.

3651. Will you inform the Committee how the magistrates ascertain the requirements of the district, as I understand that to be the rule?—They ascertain the requirements by viewing the premises; sometimes one gentleman goes by himself, sometimes two, sometimes three, and then they make up their minds as to the locality; and I dare say when they meet on the licensing day, they compare notes, and decide accordingly.

3652. Do they not take evidence; do they not hear what the neighbours have to say?—If they choose to attend. Counsel often come, and Mr. Wire sometimes addresses the bench for half an hour together.

3653. What is the importance of viewing the premises?—To see what is the state of the neighbourhood; whether the house is a fit house for a public-house, and what the wants of the neighbourhood are.

3654. Have you any memorial presented against persons applying for licences?—Very frequently.

3655. Are they more important than those in favour of the licence?—I think they are, because they come from persons who are very much interested in opposing the application.

3656. Who is that kind of memorial drawn up by; is it not by the solicitor of a publican, or some other person; and do they not sign it with as little care as the other memorial?—I think not. I may mention an instance, last licensing day, of a memorial from the neighbours of Miss Barnett, who has a house at Highgate Rise, and she has lately built a church there, which was consecrated about three weeks ago; a man built a public-house just at the corner, opposite her house; then the inhabitants of Highgate Rise, the upper part of Kentish Town, and that neighbourhood, of themselves got up a memorial and sent it in, and the justices acted upon it; that is an instance which has just occurred to me.

3657. A memorial was presented against the application?—Yes.

3658. Is it common for memorials to be presented against applications for licences?

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licences?—It is by no means uncommon where the parties in the neighbourhood feel themselves aggrieved, or likely to be aggrieved by it.

3659. And do the magistrates always attend to those?—Yes.

3660. But they do not always attend to memorials recommending the licence to be granted?—Yes, if they are signed by the neighbours, and the parties are known, they do attend to them.

3661. Mr. *Gregson.*] You say the magistrates consider whether the house is required; are they guided by the extent of the population?—Yes; if the neighbourhood has recently become populated, and a number of houses have been built and taken as they go on, and as the requirements of the neighbourhood seem to be, they grant licences.

3662. Is there any understood proportion of population to public-houses?—No, a good deal will depend on the style of house.

3663. Mr. *Barrow.*] I understood you that the justices ascertained the wants of the neighbourhood; do you mean by that, that they look out to see what number of houses there are in the vicinity of the house proposed to be licensed?—Yes.

3664. The question is, are they sufficient or not for the population of a given area around?—Yes.

3665. That they ascertain by their own personal view, as well as by other evidence?—Yes.

3666. Is Mr. Radclyffe, the clergyman you spoke of, the incumbent of the parish or not?—He was the clergyman of that district.

3667. Was he merely a clergyman living in the district, or the incumbent of the district?—He is the incumbent of a district formed under Sir Robert Peel's Act, and he had a temporary church on the Great Northern Railway premises, which was pulled down, so that he was left without a church.

3668. Grose was within his district?—Yes.

3669. Lord *D. Stuart.*] I understand you to say, that the great consideration with the magistrates in granting licences is the wants of the neighbourhood?—Precisely.

3670. When the magistrates are satisfied that some additional public-house is required in the neighbourhood, one is immediately licensed, and there are several applicants?—Just so.

3671. How are the magistrates guided in deciding between the different applicants?—That would depend on the character of the man, or the nature of his house, or something of that sort.

3672. Do they then take into consideration the statements as to the character of the applicant?—Exactly.

3673. Do they also take into consideration, whether the person applying is a parishioner?—No person ever applies at our meetings who is not.

3674. Do they consider it as an additional claim, or one which they ought to regard, that the applicant has been a ratepayer for a length of time?—They do not go quite so far as that; they would not ask the man how many years he had paid rates.

3675. Then it would make no difference, whether the man came into the parish last year, or whether he had been a ratepayer for 20 years?—I cannot say; it would make a difference with me; I should look to the time he had been in the parish, and *cæteris paribus*, I would give the licence to the man who had been the longest time.

3676. Mr. *Barrow.*] Would it not be part of your consideration, that if a man had been so many years in the parish, his neighbours would have a better opportunity of judging of his character and fitness?—Yes.

3677. *Chairman.*] There is no fixed rule, I suppose, in deciding these cases?—No, except so far as they can act with justice to the parties and the public; I believe that is the course they pursue.

3678. There has been some evidence given to the Committee, that communications occasionally take place with the magistrates or the clerks to the magistrates before the licensing day?—Only at the meeting.

3679. Do you mean on the licensing day?—On the adjourned day.

3680. We have heard that communications sometimes take place between the applicant and the magistrates, or the magistrates' clerks, or some other officer, before the licensing day?—They never come to me, and I do not believe that they go to the justices.

3681. A magistrate

3681. A magistrate has stated here this morning, that he never allows any canvassing to be made of him, with respect to his conduct on the licensing day; is that the rule on the bench where you act?—Certainly, as far as I am aware; I have heard the justices say, over and over again, they would not speak to a man if they knew his object was to seek their assistance for a public-house; I have heard Mr. Cancellor say that a hundred times, and the late Mr. Russell; in fact, all.

3682. Mr. *W. Brown.*] In licensing those houses, do you not think the wants of the public would much better regulate the number of houses which they require than the opinion of the magistrates?—No, I do not indeed.

3683. Do you not think that the wants of the trade would regulate the number of houses required better than the views of the magistrates?—I do not think so.

3684. *Chairman.*] You think there is nothing equal to the views of the magistrates for settling the matter properly?—To the exercise of their common sense and understanding, and just principles.

3685. Lord *D. Stuart.*] Supposing there were to be two applicants for a licence, and one of those applicants to have kept a beerhouse for some years, and to have kept it properly, so that there is no complaint whatever against him, and the other not to have kept any beerhouse or public-house of any description before, would the first man, in consequence of having kept a beerhouse, and kept it creditably and properly, be considered to have a greater claim than the man who has never tried his hand at anything of the kind?—If the beerhouse was well established, and the wants of the neighbourhood required it, they would seek additional accommodation, and in all probability the magistrates would grant it.

3686. Mr. *W. Brown.*] You say that sometimes the clergy have come to you to know whether they should sign memorials?—Yes.

3687. As clerk to the magistrates?—No, not in that capacity; I am connected officially with most of the clergy of the parish.

3688. Are you aware, by advising them not to put their signatures, that it would have weight with the magistrates?—I never advise it.

3689. You do not object to it?—When they have asked me, I have said, "Do not do it;" I have advised Mr. Dale not to sign such things, and Dr. Moore, the late vicar.

Dr. *James William Hudson*, called in; and Examined.

3690. *Chairman.*] WHERE do you reside?—In Manchester.

3691. Have you been long resident in Manchester?—Yes.

3692. Have you been long acquainted with the habits of the lower classes in that city?—In several capacities, especially as chairman of the visiting committee of an association, entitled "An Association for the better Regulation of Public-houses, Beershops, and Houses of Public Entertainment in the Boroughs of Manchester and Salford;" I have had repeated opportunities of looking into these places.

3693. Will you just explain to the Committee what that Association for the better Regulation of Public-houses is?—The association was formed in order to draw the attention of Parliament and the public to what they consider the defects of the present laws as regards public-houses and beerhouses, and also to carry out, as far as possible, a more rigid municipal and local inspection of those houses.

3694. Then that association considered that there are defects in the laws now regulating public-houses and beerhouses?—Yes.

3695. And it has been formed for the purpose of calling the attention of Parliament to those defects, with a view to amendments of the law?—Yes.

3696. Will you state what are those particular defects you consider to exist?—We find a large amount of crime in our beerhouses; we find a large and growing increase of immorality in our ginshops, and we find a still greater evil in the shape of dancing-rooms and casinos, which are not sufficiently under magisterial or local control.

3697. Then you find evils in houses which are under the control, and in houses which are not under the control of the magistrates?—Yes.

3698. Will you state, first, what are the evils in those houses which are subject to the control of the magistrates?—With regard to houses under the control of the magistrates, if we take a case, viz., Deansgate-street, we find the ginshops scenes

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of very gross immorality; we find they are places in which the great evil of drunkenness is engendered more than in any other class of places; we find that kind of houses is the only class making habitual drunkards.

3699. Do you distinguish the ginshops from the public-houses?—Yes.

3700. Will you give us what your idea of a ginshop is?—A ginshop is a large open public-house with special attractions, such as rich furniture, large vats, lamps, and other *et ceteras*, as seen in London. In these houses the great evil is in drinking spirits at the bar; the people of course drink hurriedly, and go into the streets again, return, and at last get an habitual taste for ardent spirits.

3701. Do I understand you to complain of the attractions of that particular kind of public-house which sells spirits; of the attractions which they present, either in their general appearance or in the lights, or in the facility of drinking at the bar?—Yes.

3702. That there are certain attractions and facilities given for drinking in those places called ginshops which you do not find in other houses?—Yes. If the Committee will allow me, I will state that in one street in Manchester (Deansgate-street) we have 28 spirit vaults; in those spirit vaults every Saturday are to be found 550 persons, in the following proportions, viz., 279 men, 235 women, and 36 children, drinking at one time. One house alone has 1,500 visitors in the day; and it is into this class of houses that the habitual drunkards stray.

3703. There are 28 houses; and you state that on an average, during Saturday, there are 500 people at one time in these houses?—Yes.

3704. Not from Saturday morning till Saturday night?—No, simultaneously.

3705. Not at any particular hour, but through Saturday, you generally find that number simultaneously in these houses?—Yes; the number decreases towards 10 o'clock; the proportions at 10 o'clock are 210 women to 200 men, and they remain until the closing hour.

3706. Do you mean, these people would not drink if it were not for the ginshops?—We consider that there is not sufficient control over these houses.

3707. Will you go on, and state what farther you complain of?—We consider them a great evil, because they have not proper accommodation or attraction for the people; and we consider their present number is amply sufficient for all the wants of the town, as regards spirit vaults.

3708. Is it owing to so many being collected together in that one street that people are tempted to drink?—We think so; people do not drink in another street where other houses are common, these houses being placed in a street of a great amount of business.

3709. With a view to accommodate the greatest number of people?—Yes.

3710. Will you proceed to state what you have observed in consequence of that?—We find that the greatest number of cases which are brought before the police arise out of these houses.

3711. Arise out of people committing offences who had got drunk in these houses?—Yes.

3712. You are stating the result of some accurate observations made through your association?—Yes, from accurate observations, and from the police reports.

3713. You have heard the number of charges, and you have ascertained that the people have been in this street drinking gin?—Yes, spirits generally.

3714. You consider that the offences have been committed in consequence of their having been intoxicated from having drunk spirits?—Yes; we know that one-fifth of the amount of crime in Manchester arises from drunkenness, and one-third of the amount of crime in the adjoining borough of Salford arises from drunkenness.

3715. That is your description of the habits of the people?—Of many of the working classes.

3716. Can you show that is owing to these houses; can you prove to us it is owing to the desire to drink, or to the class of houses that supply them?—We think it is increased in consequence of the existence and attractions of the spirit vaults.

3717. People get drunk there, because those people want to drink, and the houses supply them with what they drink?—We think it is the houses.

3718. That people would not have the disposition to drink if it was not for the houses?—Yes.

3719. Then

3719. Then do we understand your complaint is, that too many houses are licensed to sell spirits?—Yes; we consider so.

3720. Too many for the population?—Yes.

3721. Or do you consider that there are too many in one district?—Yes, equally so.

3722. You consider if they were more apart, there would not be the same number of people drinking, do you?—Yes.

3723. Being in different parts of the town, there would not be the offences you trace to their getting drunk on one spot?—Exactly.

3724. Can you give any reason for that?—No farther than that that part of the town is more disorderly than others in which these houses abound most, and the people are of a different class.

3725. Being a lower class of people?—It is a lower class of people that go there; for the houses in the neighbourhood are not worse; they are collected there in consequence of these houses; which is not the case with the beerhouses.

3726. It is a complaint in the neighbourhood, that so many public-houses being together, collect a low class of people there?—No; it is not a complaint in the neighbourhood, because there are many shopkeepers who derive a large amount of trade through it.

3727. Can you suggest any remedy for this?—We can only suggest this; there is a general feeling throughout Manchester that the number of spirit vaults or such licensed houses should not be increased, and that they should be placed under more perfect local authority or magisterial control.

3728. Do you mean they should not exist, or that, existing, they should be controlled?—That the number should not be extended.

3729. You would reduce the number of places that sell spirits?—I would not injure existing interests unless upon a complaint before the magistrates; but the number should not be extended.

3730. Notwithstanding an increase of population, you would not increase the number of spirit shops?—Exactly.

3731. Is there any regulation, or any remedy, as to those that exist, by which you might prevent people drinking spirits?—More complete magisterial control.

3732. Of what kind?—An increased power with regard to instructions to the police.

3733. Of what sort; would you close the spirit shops on Saturdays?—Certainly not.

3734. What regulations would you propose to prevent the particular evils you have pointed out?—One proposition which has been presented to the Committee is, that the keepers of these houses should be obliged to enter into a bond for 100 *l.*; we consider that would be a wise and judicious measure. We are also of opinion that there should be three classes of licences: the first a spirit licence, or first-class licence; the second, a beer licence; and the third, a public entertainment licence, or a licence for dancing, music, and so on. They should be all under such a bond, and all pay something for the licence to the Crown.

3735. Would you carry the distinction so far, that the person who took out one licence should not take out another; for instance, that a man who sold spirits should not have a licence for music and dancing?—Certainly.

3736. You would keep those separate?—Decidedly.

3737. Do you think less spirit would be drunk, in consequence of the heavy bond which the publican should enter into?—We think so.

3738. Will you state why?—Because the ginshops are kept by persons in a lower grade of life, and that the evils of drunkenness chiefly arise from the harbouring of characters who are not to be found in the more respectably-conducted places. That applies also to the beerhouses.

3739. Do you know anything as to the property in these houses; do you know who they belong to?—I do not know.

3740. I mean, does a public-house or a beershop belong to the person who keeps it, or to some wealthier person, who puts him in?—I think it belongs generally to the person who keeps it, as regards spirit vaults and public-houses; that does not always apply to the keepers of beerhouses.

3741. You think the spirit vaults generally belong to the occupiers of the premises?—Yes.

3742. Do you state this from inquiry, or from information you have received?—I speak from inquiry, to some extent.

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3743. Do you mean that spirit vaults could not exist if you were to make the owners enter into a bond for a larger sum?—I do not think so, but they would be better conducted.

3744. You have not told us anything of the bad conduct of these houses; I think you confined yourself to the facilities they gave people to come in and go out?—They are informed against by the police, and other persons. A number of objections are taken against publicans, and a greater number against beershops; my observations have been chiefly directed to music saloons.

3745. You have been telling us of ginshops and spirit vaults; are they more informed against than beershops?—In the same proportion.

3746. What are the offences they are generally informed against for?—Harbouring disorderly characters, in the case of the spirit vaults, or permitting drunkenness; the informations against beerhouses are chiefly for Sunday offences.

3747. I think you distinguish these ginshops from other public-houses in this particular, that the people do not stop?—Yes.

3748. What is meant by harbouring bad characters in those places where people do not stop; serving their customers?—Yes, and allowing them to remain until they are drunk or disorderly.

3749. Your case is, that they drink the spirits, and go out into the streets?—Yes, but they return and drink again, repeatedly.

3750. Do you say they are notorious bad characters who go to these houses?—Some of them.

3751. How is the publican to know what the character of his customer is?—He has very good evidence, from the manner in which he conducts himself.

3752. If a notorious thief goes and gets spirits, and conducts himself properly, still he is a bad character?—Undoubtedly; but I am speaking of the offences of drunkenness, and committing breaches of the peace, not of thefts.

3753. Do I understand you to say the offences you speak of, drunkenness, breaches of the peace, and other offences, are committed in ginshopss more than in other houses?—Yes, arising out of them.

3754. More than in other public-houses?—Yes.

3755. And more than in beershops?—Yes.

3756. Why do you ascribe that to drinking spirits?—We think the habitual use of spirits leads to crime.

3757. But are not the same kind of offences that are committed in the ginshop also committed in the beershop?—No, not so; the beerhouse offences are chiefly offences for Sunday trading; that is the chief kind of complaint against beerhouses, not so much as regards drunkenness.

3758. Though the informations are increasing against beerhouses, it is not for the same kind of offence?—Certainly not.

3759. The beershop, then, is a much more innocent place than the ginshop?—With respect to the beerhouse, the chief objection is to the character of the man who keeps it; we consider the ginshop to be more especially mischievous in what is sold.

3760. The beerhouse is less under the control of the magistrates than the ginshop?—The magistrate, unfortunately, has very little control over the beershops.

3761. But he has a great control over the ginshops?—Yes.

3762. Mr. *W. Brown.*] When you say he has not so much control, do you not know that a magistrate can shut a beerhouse at a certain hour in the evening, and not a ginshop?—Yes.

3763. *Chairman.*] It is the law that a magistrate may require a beershop to be closed?—Yes, I believe so.

3764. Mr. *Barrow.*] You said a great proportion of crime came from the ginshops?—Yes.

3765. I understand you to say the people do not remain long, but drink and go out again?—Yes.

3766. I apprehend your meaning to be, that a greater number of cases of drunkenness from ginshops come before the magistrates?—Yes.

3767. Do I understand you to say, that a greater amount of crime, being serious crime, arises from ginshops than from beerhouses?—Yes, of the more serious crimes.

3768. That parties remain in a ginshop long enough to confederate and agree on the commission of crime more in ginshops than they do in beerhouses?—There are many crimes committed without confederation; we do not mean that they plan the robbery of a house there.

3769. *Chairman.*]

3769. *Chairman.*] The word crime was the word you used, but you meant only drunkenness?—Just so, with its attendants, foul language and brutal behaviour.

3770. If these people merely come in and go out again, in what way do you propose that any additional superintendence is to prevent that?—We think that if the magistrates had greater power than at present.

3771. What is the power?—The magistrate at present can remove the licence, and we consider it a great hardship to interfere with a publican at present licensed, in consequence of what may be looked upon as a vested right, his capital being embarked in the trade; but if the magistrate had more complete police information, the house no doubt would be better conducted.

3772. Do you mean, that you anticipate that the more frequent visits of the police would prevent persons coming in a second time for gin?—No, but the customer would be more likely to moderate his attendance, and to moderate his conduct.

3773. Mr. *Barrow.*] Deansgate-street, I believe, is the vegetable market for all the working classes of Manchester, and on Saturdays it is extremely crowded?—Yes, it is crowded.

3774. Which may account, probably, for a greater number of ginshops in that particular street in Manchester than in any other?—Yes.

3775. That street, on Saturday night, would be much fuller than this room is at present, in proportion?—Yes.

3776. Mr. *W. Brown.*] Do many children go into these ginshops?—Yes.

3777. Would it not be desirable that those ginshops should be prevented from serving children under a certain age with spirits?—Yes, it would be very desirable.

3778. What age should you say?—I should say under 15 or 16, depending on the sex. They have constantly a great number of children and young persons coming into these places.

3779. Mr. *Barrow.*] Do not the children go into these places principally with their parents?—Yes, principally.

3780. Parents coming to market, and bringing their children with them?—Yes.

3781. Mr. *W. Brown.*] Inasmuch as the magistrates have a much greater control over public-houses than they have over beerhouses, and as you say they are not so well conducted, if they were both thrown open, as the beerhouses are, should not we have better conducted public-houses, provided those securities were taken which the Chairman has alluded to?—Most decidedly, provided you make two classes of licences; one a first-class licence for spirits, the other a licence for beer only.

3782. *Chairman.*] Do I understand you to say that on the Saturday, when spirits are so much drunk, that those are bad characters chiefly who go to these houses, or is it owing to the circumstance that the part of the town in which there are so many houses wants that amount of additional accommodation?—There is additional accommodation required, certainly; I cannot say, that out of so large a number of persons the majority are bad characters, but we believe it leads to the destruction of moral character.

3783. That drunkenness leads to the destruction of moral character?—Yes.

3784. Mr. *Barrow.*] That would be from the facility of getting drunk at all?—Yes.

3785. *Chairman.*] Is it part of the object of your association to promote temperance, or teetotalism?—To some extent; it is not a primary object.

3786. Your observations have been much directed to drunkenness from gin?—Yes.

3787. Then your object is to diminish the houses where spirits are sold?—The object should be not to extend them, although population may increase.

3788. That would be tantamount to diminishing them, supposing the population did increase?—Yes, it would.

3789. Have you matured any plan, after considering the details of the subject, by which that could be accomplished?—Yes, the plan I before alluded to; that the magistrates should have the power of granting three sorts of licences. We think the magistrates represent the best local control, being subject to popular opinion.

3790. That might be wise, but would it not be more consistent with your views to reduce the number of places of accommodation of that kind?—In the case of public-

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public-houses, it would keep them stationary, it would not reduce the number; and in the case of beerhouses, it would undoubtedly reduce the number, and do a great good; but I do not think it would be popular.

3791. Mr. *Lowe.*] Why would it keep them stationary?—They would not grant an additional number of licences.

3792. Why would granting three different classes of licences keep the numbers stationary?—The magistrates would decide whether or not the licences should be granted; we do not propose that there should be a free trade in what we look upon as crime.

3793. The magistrates would decide how many licences should be granted?—Yes.

3794. Then if you propose that there should be a classification of licences, how would that alteration limit the magistrates' discretion?—We do not propose the alteration as reducing the magistrates' power in granting licences in the case of public-houses, but we do in the other cases.

3795. How would that limit the magistrates' power of granting licences?—It would not diminish the number of houses, but it would keep the number of public-houses the same as before.

3796. Why so?—The magistrates would not grant an additional number of licences.

3797. Why not?—Looking at the past, we say so, because the magistrates have been very chary for many years in granting additional licences.

3798. *Chairman.*] Are they not guided by the requirements of the district?—Yes, what they conceive to be the requirements of the district.

3799. Then if they are guided by that rule, would they not extend their licences if the population were to increase?—It is somewhat doubtful, if there were a proper system of beerhouses, under magisterial control, whether they would not grant beer licences where they now grant spirit licences.

3800. You tell us what other witnesses have told us, that the magistrates are guided very much by the requirements of the district; then we may expect that they will increase the number of licences as the population increases?—Yes, if you include beer licences.

3801. Or do you expect that they will act upon your rule, because they are local magistrates?—Simply because, looking at the past, they have not increased the number of spirit licences. We think, if there were two classes of licences under magisterial control, the beer licences and the spirit licences, they would take the more innocent beverage, and all classes would be satisfied.

3802. Is there no drunkenness from beer in Manchester?—Yes.

3803. Perhaps you know whether it is the fact, that there is more drunkenness from beer than from spirits in Manchester?—I should say not.

3804. Have you had your attention called to the fact stated here by a late mayor of Manchester, that though they keep down the number of public-houses, the number of beerhouses has been increasing; is that the fact?—Yes.

3805. You think that innocent, if they only sell beer?—We think it comparatively innocent; but the fact is, that people of bad character keep these houses. It is not the fact that they sell beer; but they are kept by persons of a reprobate character.

3806. Your chief complaint has been directed against those who have the licence of the magistrate, viz., ginshop keepers?—Yes.

3807. Are these people who keep spirit vaults worse characters than those who keep beerhouses?—Certainly not.

3808. Do you think the beerhouse keeper is the worse of the two?—Undoubtedly, because out of 481 public-houses, 108 were informed against in 1852, and 694 beerhouses out of 1,465.

3809. Can you give the number of convictions upon those informations in each case?—The present number of public-houses is 481; 16 per cent. were reported against by the police in 1852. The number of complaints against public-houses by the police in the year 1852, was 108, resulting in 102 convictions and six acquittals.

Of these	1 house was reported against	- - -	4 times.
	6 houses „	- - -	3 „
	12 „ „	- - -	2 „
	62 „ „	- - -	1

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The number of beerhouses in the city is 1,465; 35 per cent. of these houses have been reported against by the police. The number of complaints was 694, resulting in 661 convictions and 33 acquittals.

Of these	9 houses	were reported against	- - -	4 times.
	19 „	„	- - -	3 „
	109 „	„	- - -	2 „
	383 „	„	- - -	1

3810. Do you know the nature of the offences; are they more serious against the beerhouse keepers?—No, chiefly Sunday offences.

3811. Those are the chief charges against beerhouse keepers?—Yes, more than one-half the charges against beerhouse keepers are for Sunday offences.

3812. What are the charges against publicans?—Those are of a more serious kind.

3813. Lord *D. Stuart.*] With regard to the street you mentioned in Manchester, Deansgate-street, in which you say there are 28 public-houses, and that in those 28 public-houses 550 people were to be found on a Saturday, is that a very long street?—Yes.

3814. Do you know how many houses it contains?—No, I cannot say.

3815. Is it a very large street?—A very long street.

3816. If there are 28 public-houses in that street, and there are 500 people at one time in those 28 public-houses, that gives 18 and a fraction to each public-house?—Yes, there are 500 people at one time; the 500 people that are found there at one moment are not the 500 that would be found there in 10 minutes' time.

3817. Mr. *Barrow.*] Do you assume that diminishing the number of those spirit vaults in Deansgate-street, would necessarily diminish the number of gin-drinkers?—Yes.

3818. If there were only 20 houses instead of 28, the same number of persons would be accommodated?—Yes; but we believe the limitation of the number will check the inducement, and will stop the extension of the evil; that is all.

Lunæ, 13° *die Junii*, 1853.

MEMBERS PRESENT.

Mr. Villiers.	Mr. Gregson.
Mr. William Brown.	Lord Dudley Stuart.
Sir George Grey.	Lord Ernest Bruce.
Mr. Barrow.	Mr. Ker Seymer.
Sir George Goodman.	

THE RIGHT HON. C. P. VILLIERS, IN THE CHAIR.

Dr. *James William Hudson*, called in; and further Examined.

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3818. *Chairman.*] YOU wish to state to the Committee what has been the result of your observations upon certain places of public resort, such as concert rooms and dancing saloons?—I wish particularly to state, that in all the large manufacturing towns of Lancashire there is a class of places of entertainment springing up, which are attended by large masses of the working community, especially the young; the object of the parties in attending those places is that of amusement; but in many cases those places of entertainment are licensed beerhouses.

3819. That is to say, the persons who keep those houses have a beer licence?—Yes.

3820. But they are fitted up for other purposes?—Yes.

3821. What is the purpose of having a beer licence, do they sell beer upon

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those occasions?—They sell beer and other refreshments to the working classes; the houses themselves give various entertainments, such as music and dancing.

3822. Do not the keepers of those houses take out a licence for that purpose?—They do not; but they go as close as the Act of Parliament with regard to theatres will allow them; they are fast superseding the minor theatres.

3823. Do they have dramatic representations?—The dialogue portion is generally omitted, as being an infringement of the special Act under which theatres are licensed.

3824. What sort of representations do they have at those places?—Singing in character, dancing of various kinds, clog and grotesque dancing, juggling and tumbling by performers specially engaged; the attendance at some of those places is particularly large.

3825. Do the audience pay for entering those rooms?—The sum of 2 *d.*, which should be returned to them in refreshments.

3826. Refreshments are included in this payment at the door?—Yes. In Manchester there are not less than 25,000 of our working mill hands who attend those places per week.

3827. In the evening?—Yes. It is almost the sole public amusement of the artisans and the working mill hands. There are three large music saloons in Manchester, one being called the Casino, the other the Victoria Saloon, and the third the Polytechnic. Those places are attended by a great number of young children and persons under 15 years of age. In the Casino, in Lower Moseley-street, upon a careful analysis which I have taken of the ages of the parties attending on seven different Saturdays, taken in the months of September, October, December, and April, which gives the fair average; there were under 15 years of age, 120 male children and 10 females; 15 years of age and under 20, there were 200 males and 100 females; 20 years of age and under 30, there were 400 males and 150 females; 30 years of age and upwards, there were 140 males and 45 females. Thus there were 860 males and 305 females present at one time on seven Saturdays, being the average number attending one house.

3828. Do you distinguish those children from their parents, or are the children alone?—The children in many cases are alone. I give the entire attendance in the place. That particular music saloon is attended by 15,000 persons weekly; people come from the country at an early hour, and pay the sum of 2 *d.* for admission, which is returned to them in refreshments, if the parties think proper to apply for them. Many parties leave for the country, and their places are filled by others.

3829. What are the performances at the Casino?—Music, singing, and grotesque dancing, and a little scenic representation at the same time. The Victoria Saloon is another large saloon, which is attended by 80 boys and 5 girls under 15 years of age; 420 males and 200 females from 15 to 20 years of age; 200 males and 100 females 20 years of age and under 30; 100 males and 60 females 30 years of age and upwards. In that place there are always to be found 800 males and 365 females every Saturday evening, being purely mill hands. Then the Polytechnic, at Salford, has a similar proportion; so that we can find on every Saturday evening in Manchester 3,000 of our mill hands passing their leisure time in those three houses; and I would observe, that the committee in Manchester which has the watchful superintendence of beerhouses, are exceedingly fearful lest those houses should be allowed to have anything more than a beer licence; indeed they are anxious that the beer licence should be removed.

3830. What do you call "the committee having the watchful superintendence of the beerhouses?"—A special committee in Manchester to which I referred in my former evidence; the bishop is the president, and there are 40 of the leading merchants and others who take an active interest in examining into the operations of the public-houses, beerhouses, and places of public entertainment.

3831. Can you inform the Committee what evils arise from the people attending those rooms?—In some cases, where the public-houses have rooms, the habit of drunkenness commences; and we find that a large number of young children attend houses not licensed for the sale of beer, but engaged by publicans in the neighbourhood of the theatres for dancing, such as the Chrystal Hall; immediately after any special piece or the performances are over, there are from 100 to 200 boys and girls under 15 years of age who go into those houses, which are engaged by the different landlords.

3832. What are the particular evils to the people whom you have described as going

going to those three places of public amusement?—We desire that they should be placed under better management; that they should be duly licensed, and that there should be a special licence taken out for them for entertainments only.

3833. What evils arise from those houses as they are now conducted?—The chief evils arise from those houses where beer is made the special object of sale, and the persons frequenting them are encouraged occasionally to excessive drinking; the promiscuous mixing of the sexes is also an objection.

3834. You say that the persons going to those houses pay 2*d.*, and are entitled to have as much beer as is sold for that money; do you observe any excess committed in consequence of such entertainments, or whether any arrangements are made at the door to insure the consumption of beer?—The people formerly used to drink a great deal more beer than they do now at those places. In the principal house which I have mentioned, although the persons have the choice of any kind of drink, not being spirits, for the value of their 2*d.*, they prefer to take ginger beer, and having examined the books of the parties, I have ascertained that the true proportions of liquors sold at this one house (the Casino) are 1,500 gallons of ginger beer, 180 gallons of ale and porter, and 160 gallons of coffee for one month alone.

3835. Showing, therefore, that the persons frequenting that house prefer the less stimulating drinks?—Yes; and therefore it is considered most desirable by this committee to which I have referred in Manchester, that those houses should be special licensed houses; not licensed for the sale of spirits or beer, but that this class of houses, always entertaining not less than 25,000 people per night, should be placed under magisterial control.

3836. You do not mean to say that there is any evil arising from those houses now, but you apprehend that they might obtain spirit licences, and then evils would follow?—Exactly.

3837. You have not mentioned these houses to show that they are mischievous in themselves, but that people after their work resort to them, and, as far as your observation goes, not for the purpose of drinking, because you say they prefer ginger beer, coffee, and so on, to stronger drinks?—They do. To prove that, they do not desire themselves to drink, and that drink may be unfairly pressed upon them, and thus those houses may become an evil. In the Casino which I have mentioned they lose 12,000 checks per annum. Every person on going in receives on the payment of his money a small brass check, which entitles him to refreshment. Now, the majority of the boys and girls who go there do not care about the refreshment; they do not even give them away, although they are fully entitled to receive this refreshment. The proprietor of the Casino loses 12,000 checks per annum, which is equivalent to 50*l.* a year profit to him.

3838. Do you intend to adduce this fact as evidence of the improved moral condition of the young people in Manchester?—Yes, and the desirability of keeping them away from temptations to excess of drinking, and from such influences as spirit vaults are believed to possess.

3839. Does not your evidence tend to show that the habits of the young people of Manchester are so far improved, that although they are tempted to drink they do not avail themselves of the opportunity?—They have not the opportunity in some of these places, but even those in which they have the opportunity are better conducted than the public-house singing rooms.

3840. As these houses do not require a licence now, what suggestion would you make to prevent their proprietors abusing the power which they have to open them?—I would suggest that they should be licensed upon the same terms as any other houses should be; namely, by entering into a bond with the magistrates, and that would be a guarantee for the better conduct of those places; for instance, two of those houses are opened on Sunday nights, and although that may not appear to some persons to have a very vicious tendency, yet in my opinion, their being open, and children being allowed to hear what they call sacred polkas, on Sunday evening, is injurious to the factory lads and girls; were those houses placed under magisterial control, in the same manner as the other house is in Salford, which happens to be a public-house, I think it would be attended with beneficial results; the proprietor will not sell spirits on the establishment, and, like the Casino, the house is closed, and of course these scenes are not represented on Sunday. The proprietor of the Victoria Saloon, to which I referred, was formerly a publican; he misbehaved himself, and his licence was withdrawn; he now sells beer, and every Sunday evening his place is open, and

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young women and children attend to hear music of the nature I have described, but the magistrates have no control over that house.

3841. Do you wish to have these houses closed on the Sunday evening?—No; if they were placed under magisterial control, and they were permitted to be open, they would be under better regulations than they are at present.

3842. There is no evil which flows from them at all now; you say they are open on Sunday evening, and you would put them under magisterial control; I want to know whether that is with a view to closing them?—No.

3843. What would you expect of magisterial control; are not those places of entertainment at beerhouses and public-houses, where inducements are held out to consume ale and spirits, worse than those other houses which are not licensed?—Yes, decidedly.

3844. Those are under magisterial control?—Yes, some of them.

3845. Are those houses which are not under magisterial control attended with any evil?—Those houses which are not under the magistrates are not attended with the same evils.

3846. I thought you said that the places of entertainment which were held at public-houses, where young persons and children of both sexes went, were attended with evil?—That has no reference to the Sunday.

3847. Those houses are under magisterial control?—Yes.

3848. Those which you have been speaking of are not?—Those I have been chiefly speaking of are not under magisterial control.

3849. Would you put those which are not under control upon the same footing as those which are, and which are attended with evil?—Of course it has reference to Sundays especially. When I speak of the evils attending those houses not under magisterial control, it has wholly and solely reference to those which are open on Sunday.

3850. A public-house may be open on Sunday?—Yes.

3851. Have not some of those public-houses musical entertainments?—They have.

3852. Would that be against the tenor of the licence?—It would place the licence in difficulty.

3853. Do you think the magistrates of Manchester would refuse to renew the licence of a house, if any musical entertainments, such as you have described, were carried on in that public-house on Sunday?—They would, provided complaints were made.

3854. Do you mean complaints of there being musical entertainments?—Yes, from the inhabitants in the immediate vicinity of the house.

3855. You mean if the inhabitants considered it a nuisance; they would not refuse the licence, supposing it were merely alleged that it was open on Sunday, and that young people of both sexes attended?—No; because there is the difficulty in which they might be placed, as the law stands at present.

3856. Is your objection that young persons of both sexes attend musical entertainments on the Sunday evening?—Not exactly.

3857. Your objection was not on account of the neighbourhood, but on account of the persons who were found in those places; you say that a magistrate would not refuse a licence to any place of that description, with reference to which the inhabitants of the neighbourhood did not complain?—No; I think he would not.

3858. How will your remedy of magisterial control meet that evil, if it is an evil that people should go to a house on Sunday evening to hear music?—My objection refers to their going to hear dance music.

3859. Then your remedy must go further than giving the magistrates the power of withdrawing the licence in cases of misconduct; it must extend to an amendment of the law to regulate the kind of music which shall be performed?—I am not speaking of a licence which is to depend upon the will of the magistrates, I am speaking of a licence for singing or dancing; not to sell spirits. I am assuming that the licence must be granted upon application for musical entertainments only, and under that licence the magistrates would have the power to close those houses, or to place them strictly under the control of the police.

3860. Do you know what is the case with respect to houses where musical entertainments are held, within the metropolitan district; are they restricted from opening on Sunday?—I am not aware.

3861. Sir *G. Grey.*] What is the precise nature of the magisterial control, under

under which you think these houses ought to be placed?—Simply, that all parties opening music saloons, or places in which music and dancing is to be allowed, should take out a licence, and give a bond as to character; and with the security of the bond as to general character, the magistrates would have a guarantee of the houses being properly conducted.

3862. You mean to say, that those houses should not be opened without a licence previously obtained from, and revocable at the pleasure of the magistrates?—Exactly. There are in some towns a number of dancing houses, purely for the factory people to dance in themselves. Those houses are kept, as the police are well aware, by prostitutes; but the police have no control over those houses, provided the prostitution is not carried on upon the premises; if the parties are taken out and seduced to other places, the magistrates are unable to interfere.

3863. I understood you to say, that beer was sold at those places, and that those houses are kept, according to your statement, by persons having beer licences?—Yes, the Casino and musical saloons, but not the dancing saloons.

3864. You have also spoken of the necessity of those places of entertainment being subject to the supervision of the police; are you not aware that the police have full power to enter any of those houses?—No, not into private dancing rooms.

3865. What additional power would you give to the police for the regulation of those houses, which the law does not already give them?—I would give them a greater inducement to lodge complaints; the police complaints against houses of this class, are almost solely for Sunday offences.

3866. Have not the police the power of entering those houses upon any day in the week, as well as on Sunday?—Yes.

3867. Do not the police act under the orders of the magistrates?—They do.

3868. Why do not the police lay informations against any breach of the law committed in those houses on the week days, as well as on Sunday?—I cannot say why they do not.

3869. If the police do not lay information against those houses, is it owing to any defect in the law, or is it owing to the absence of instructions from the magistrates under whose authority they act?—I think it is owing to a defect in the law.

3870. What is the defect in the law which prevents the police acting six days in the week as they do on Sunday?—I am not aware.

3871. *Chairman.*] Do you want a fresh law for them to break?—No.

3872. At present, according to your statement, they do not violate the law, but if you made a fresh law they might violate it, or might commit some offence which would enable a complaint to be lodged?—Perhaps so.

3873. Sir *G. Grey.*] Is the control of the magistrates, to which you refer, the power of revoking, at pleasure, the licence which those houses hold?—Yes, the spirit licence.

3874. Not extending to the beer licence, but to revoking the licence which authorises them to open dancing saloons?—I am anxious that the magistrates should have three forms of licences; the first for the sale of spirits, the second merely for the sale of beer, and the third solely for public entertainments, in the same way as bagatelle may be licensed. At present, no licence is required by music or dancing saloons.

3875. Do you propose that those three forms of licences should be granted by the magistrates at their own discretion, and revoked by them at their own discretion?—Entirely.

3876. Mr. *Barrow.*] Do you understand the state of the law at present; there is this condition in the form of the licence, "and do not wilfully or knowingly permit drunkenness or other disorderly conduct in his house or premises, and do not knowingly suffer any unlawful games or any gaming whatsoever therein, and do not knowingly permit or suffer persons of notoriously bad character to assemble and meet together therein;" when you speak of a bond, do you mean to ask for anything more stringent than that?—No, I think that would be sufficient.

3877. Then your complaint is, not that the law is deficient, but that the law is not put in force?—I was ignorant of the state of the law in that respect.

3878. Supposing the police not to carry their diligence sufficiently far in enforcing the penalty which may be inflicted upon a person for the breach of the present regulations laid down by the law, has your association tried the experiment of lodging informations in order to get the law put in force?—No; although

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that was one of the objects of the association, no step has yet been taken in that direction.

3879. What do you anticipate from any alteration of the law, if you acknowledge the present law to be sufficiently stringent?—Simply, if the law is now sufficiently powerful, that it should be made imperative that it should be carried out.

3880. Upon whom should it be made imperative?—Upon the magistracy.

3881. Sir *G. Grey.*] In what way would you propose to compel the magistrates to carry out the law?—There is a power, I think, over the magistrates at present; if a magistrate does not act up to and according to law, a mandamus might be issued against him, or some special legal form might be adopted.

2882. What alteration of the law would you suggest to carry out your views?—I cannot state what would be most desirable.

3883. The remedy which you have stated, is one which the law gives already; can you inform the Committee precisely the nature of the alteration of the law, which you have come before them to recommend?—I am not come here to recommend any special alteration in the law, but to explain the position in which these houses stand, and the desirability of their being placed under magisterial control.

3884. *Chairman.*] Do you mean to allege that the magistrates do not perform their duty?—No, I cannot allege that, for Manchester is generally better conducted than any other large town in the kingdom, comparing its amount of crime with the population.

3885. If any information is laid against a house, that information will be heard before the magistrates, would there not be a conviction if the offence were proved?—Yes; the magistrates are severe, as in the case of the house I mentioned, where they withdrew the licence of the publican, who now keeps a place of entertainment connected with a beerhouse.

3886. Therefore no information is laid against those three houses in Manchester, because no offence is committed; does not that prove that they are well conducted?—With the exception of the Sunday offences, I might almost call them well conducted.

3887. Mr. *Barrow.*] With the exception of the character of the music?—Exactly; the people are well conducted, and it is exceedingly desirable that they should be placed under some kind of guardianship, which a magisterial licence would give, when the holders of those houses are under bond.

3888. *Chairman.*] Would it not be very uncertain whether the magistrates would agree as to the kind of music which should be allowed on Sunday?—A mere musical licence would be sufficient; the magistrates in granting a licence for bagatelle or for billiards, do not consider the mode in which the game should be carried out.

3889. If a man takes out a bagatelle or a billiard licence, he cannot play at hazard?—No; the magistrates might grant a licence for music, and possibly they would not permit them to play dance tunes on Sundays.

3890. Are the Committee to understand that your objection is to the description of tunes which are performed?—I object to sacred polkas being performed during church time.

3891. Would it be possible to give the power to the magistrates to regulate exactly the music that should be performed on Sunday. If a man takes out a music licence, can the magistrates determine what should be the kind of music to be performed on Sunday?—No.

3892. Sir *G. Grey.*] Are the houses of entertainment open during the hours of Divine service?—In the evening they are open.

3893. They are open during the ordinary hours of Divine service?—No, not the legal hours.

3894. Mr. *Brown.*] Do you wish that all places of public amusement should be licensed, totally irrespective of and unconnected with beerhouses or public-houses?—Exactly.

3895. And that they should not be permitted to sell anything in those places but soda water and ginger beer, and beverages of an innocent character, which would not tend to intoxication?—Exactly.

3896. How would you deal with such places as the Wellington Rooms, or the Musical Saloon, in Lord Nelson-street in Liverpool, or Willis's Rooms in London?—I would still require them to take out a licence; the proprietors of the places you have named would readily enter into an arrangement to take out a licence.

3897. Mr. *Barrow.*] Do not you think that is very easily obviated, by publicans

licans having rooms not licensed for musical entertainments, distinct from their public-houses, to which the audience might resort during the intervals of the performance?—That is another class of rooms; dancing rooms of any kind are not licensed at present.

3898. If the music rooms were licensed for music, and there were a public-house next door, how would you prevent the same thing occurring as with respect to the dancing rooms?—There would be two modes; in the first place requiring the parties to sell refreshments, and secondly, that there should be no re-admission, that would effectually check it; only in one case it would be difficult to carry it out.

3899. *Chairman.*] When these places break up, you say the people go to public-houses in the immediate neighbourhood; would not a publican induce people to open places of entertainment in his neighbourhood for the benefit of the custom of persons frequenting such places?—I referred to the dancing rooms, not to the music rooms; the dancing rooms in which the factory boys and girls themselves dance.

3900. You could not prevent their going to the neighbouring public-house, if they were so disposed, after dancing?—Certainly not, if re-admission were given.

3901. In your opinion, there are favourable influences at work upon the people of Manchester, and that their morality generally is improving?—Yes; and I think the same observation applies with regard to all the large towns in Lancashire and Yorkshire; especially in Leeds.

3902. Would you not rely upon such influences and upon the general course of improvement in the morals of the people which you observe, rather than upon magisterial control, with reference to those houses of entertainment?—I ought to state, in order to make the bearing of my evidence clear, that we have an impression that it would be recommended, possibly through the wisdom of this Committee, that there should be distinct forms of licence, that all public-houses and beerhouses should have a separate form of licence, and that all the owners of public-houses and beerhouses should be restricted from opening places of entertainment. It would only be a system of free trade in vice if every man might open a public-house or spirit vaults with a dancing saloon; those innocent amusements would be destroyed.

3903. Are not you confounding two things, the one the granting of the licence, and the other the police regulation?—Possibly.

3904. So that there might be free trade not in vice, and yet in the licences for those houses, might not every one of them be subject to police regulations?—We believe it would be altogether free from objection if there were magisterial control; and if those houses were kept separate from public-houses there would not be the compulsory sale of intoxicating liquors, as there is at present at the spirit vaults.

3905. There might be a licence or no licence, or the licence might be made compulsory where it is applied for, but that is quite independent of the police regulations?—Quite.

3906. What you really mean in recommending those houses to be placed under magisterial control is, that they should be placed under the strict regulation of the police?—Yes, and that there should be the power which would enable the magistrates to close houses which are improperly conducted; at present there is no power of that description.

3907. Would you have the law definite as to the hour of closing, and leave it to nobody's discretion, whether or not they should be closed at that hour?—Yes.

3908. You would have the law clear, and you would make it compulsory upon the magistrates to enforce the law?—Yes.

3909. Mr. *Barrow.*] At present, for the first offence a man is liable to a pecuniary fine, and for the second the like, but for the third offence he is liable to lose his licence; do you mean that the strict penalty shall be enforced upon the first conviction, that either beerhouses or public-houses shall stand in the same position in that respect?—I am unaware that a beerhouse keeper loses his licence.

3910. Sir *G. Grey.*] Are you not aware of the provision in the law, by which the magistrate may judge upon the third conviction whether the house should not be closed for two years?—That has never been put in force in Manchester.

3911. Mr. *Brown.*] Are you aware, that in 1829 there were 88,000 public-houses and beerhouses altogether, and that in 1852 there were 91,000, showing a very

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very small increase in proportion to the great increase of the population?—Exactly.

3912. Are you aware that that has been stated to the Committee by the chairman of Inland Revenue?—I am not aware by whom the evidence was given; I have also seen it in connexion with the statements of the enormous increase in the proportion of milder drinks, such as coffee, and so on.

3913. Are you aware that at that period the beerhouses were 24,000, and they are now 52,000, showing a great decrease of public-houses and an increase of beerhouses?—Undoubtedly.

3914. Sir *G. Grey.*] Concurrently with that relative difference, has there been a decrease in drunkenness in Manchester?—I think so, but I am disposed to look at that as arising from other causes. Looking at the question of drunkenness, we consider that the keeping the public-houses limited, and that whatever actual wants may arise should be supplied by beerhouses, and not by stronger drinks, is desirable. We also find that the people themselves have ceased to take strong drinks, and that they prefer to take refreshments of a milder character.

3915. Is it your opinion that what drunkenness there is arises chiefly from drinking spirits rather than beer, and that drunkenness is promoted by public-houses rather than by beerhouses?—Yes; for we see that the class of persons in dress, want of cleanliness, and in their conduct, are totally different to those who frequent the better kind of beerhouses.

3916. Do you attribute the decrease of drunkenness to the number of public-houses being kept down considerably, although it has been attended with a large increase in the number of beerhouses?—I think it is in some degree to be ascribed to that.

3917. Mr. *Brown.*] Is not the society with which you are connected a self-elected society, a number of whose members are teetotallers?—About one-half; there are a great many clergymen connected with the association who are desirous of seeing the use of spirits abridged.

3918. Mr. *Gregson.*] You do not complain of any excesses being committed in the houses of entertainment, nor any breaches of the peace?—No; in the case of the Casino, the house which is weekly attended by 15,000 persons, there has not been one police complaint against the proprietor in the last seven years.

3919. What is your objection to that house?—The evil is not what exists at present, but what the evil would be if those houses should receive a spirit licence.

3920. *Chairman.*] You do not agree with the witness who has stated before this Committee that drunkenness proceeds in Manchester much more from the people consuming beer than spirits?—The predisposition of the people is in favour of the milder drinks, as I have shown; in all such places of entertainment where the masses of the people go, they prefer taking milder beverages to consuming even beer or spirits.

3921. Sir *G. Grey.*] I understand it to be your opinion that if the keepers of those houses of amusement had the power of obtaining a spirit licence, they would obtain that licence, and the consumption of spirits would be increased; notwithstanding the predisposition of the people to take milder drinks, you think if the temptation were thrown in their way it would overcome their disposition?—It would have a strong tendency to overcome it; those parties would be very glad indeed, if the magistrates of Manchester would licence the beerhouses for spirits. At present the proportion of public-houses to beerhouses is very different from that in other large towns.

3922. Is it to the limitation of the number of licences to public-houses in Manchester that you attribute the decreased consumption of spirits in that town?—Yes.

3923. *Chairman.*] Do you adhere to the opinion which you have given before, that where the people have the opportunity of drinking ginger beer and other milder drinks, and that such is the taste of the people at present?—Yes; the consumption of coffee and milk is largely increasing.

3924. Mr. *Brown.*] What effect do you think it would have upon the public-houses and beerhouses if their occupiers were compelled to give good security for the conduct of their houses; would not the parties who gave those securities take more precautions to inquire into the character of the persons for whom they became security than the magistrates now do?—Undoubtedly.

3925. Would not it have a tendency to prevent unfit persons being the proprietors of those houses, because they could not get proper security, if that security

security were *bonâ fide* enforced upon all occasions where any delinquency took place?—Yes, if they were real securities.

3926. Would you think it advisable that the sureties should have the power of cancelling the bond at certain periods if they had reason to change their minds as to the respectability of the party for whom they had become bound, and that so his licence might cease?—Certainly.

3927. Mr. *Gregson.*] Do you propose any alteration in the hours to which those houses are to be kept open?—No; because the people regulate the hours; at present, at the music saloons, and at all the beerhouses, the people go away generally from three quarters of an hour to an hour earlier than the usual time of closing even in a room where 2,000 persons may be, every Saturday night, and about 15,000 persons on other nights in the year; they leave the music to go home.

3928. Including Sunday night?—No; that house is not open on Sunday; all the working people leave by half-past nine o'clock; there are not more than 150 persons at 10 o'clock; the people themselves retire before the performances conclude.

3929. Would you put a stop to all those recreations on Sunday?—No.

3930. *Chairman.*] Have you made any other observations as to the habits of the people; do you find that they go to church or chapel more than they used to do?—No.

3931. You have no doubt that their general demeanour is much more decent and proper than it used to be, that there are fewer breaches of the peace, and, generally speaking, the conduct of the people of Manchester is improved?—Very much; and also in the neighbouring towns of Bolton and Oldham, where there used to be much brutality, which seems to have passed away.

3932. Mr. *Gregson.*] The other day you seemed to attribute crime to beer-shops, and drunkenness to ginshops?—I referred to drunkenness and that kind of crime; I did not mean burglary, for instance.

3933. *Chairman.*] You think the present system ought to be changed, and you have been charged with a great number of petitions to Parliament, praying that the present licensing system should be altered?—Yes, and that it should be placed under local authority.

3934. Your views, as to any change, would be that you would make every beerhouse obtain its licence from the magistrates?—Yes.

3935. Sir *G. Grey.*] Are the prayers of the petitions that the licensing system should be altered with respect to public-houses, or only with respect to beerhouses?—Only to some extent; it is assumed that in any alteration of the law, that alteration of the law will be one that will relieve any difficulty which the magistrates may have at present.

3936. Do you desire any change in the system of licensing public-houses, as distinct from beerhouses?—We wish to see them distinct.

3937. Do you wish to see any change in the present law, which regulates the granting of licences to public-houses.?—We think it is desirable that the parties should enter into a bond, and that no new houses should be open until the party obtained the signatures of 100 householders of the district, purporting to desire the opening of such a place.

3938. Therefore you think there ought to be additional restrictions upon granting licences to public-houses?—I do not think that what I have mentioned would operate other than a wholesome restriction to the public-houses, or the owners of them.

3939. Would not its tendency be to limit the number of licences granted?—Yes; in the cases of spirit vaults, but they could open beerhouses; the magistrates at present suffer a great pressure from without, in the demand for a certain class of licences.

3940. *Chairman.*] Would you allow the magistrates to refuse a licence where the neighbourhood was anxious to have such a house, and where a number of the inhabitants signed a memorial for a public-house?—No, I think not.

3941. Mr. *Brown.*] What do you mean by pressure from without; do you mean that influence is used with the magistrates to induce them to grant licences to certain houses?—In Manchester, where there are only 481 public-houses, and 1,465 beerhouses, there are great number of applications to the magistrates to license certain houses as public-houses; at present the magistrates uniformly refuse to grant additional spirit licences; but were the magistrates also to have power to grant beer licences, it would relieve them of some difficulty.

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3942. Cannot a man open a beerhouse without having a spirit licence at all?—He can now from the Excise.

3943. You have spoken of the representations of the neighbourhood as an inducement to the magistrates to grant a licence; the Committee have had it in evidence that those representations are of very little value?—That has been the practice hitherto; I believe universally.

3944. How would you test the fitness of a party to have a licence by such a system?—By extending the number; I think there would be a greater difficulty in obtaining signatures.

3945. Would not there rather be less difficulty, because there would be less responsibility upon each individual?—A hundred is a larger range to collect, and more likely to be attended with difficulty, than collecting three or four names out of a large and populous neighbourhood.

3946. Mr. *Barrow.*] Are you aware whether the applications for spirit licences are from the keepers of beerhouses?—Chiefly, because it is assumed they have a better chance of obtaining a spirit licence when they have been beerhouse keepers.

The Rev. *Francis Bishop*, called in; and Examined.

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3947. *Chairman.*] YOU are a Minister of the Liverpool Domestic Mission Society, are you not?—I am.

3948. Have you made a good deal of observation upon the habits of the people of Liverpool?—I am led to do so in the course of my duties.

3949. Have you considered them in connexion with places of public entertainment?—Yes; and also in connexion with places for the sale of intoxicating liquors.

3950. Will you state to the Committee anything which you think has an important bearing upon this inquiry?—I have visited the concert rooms and dancing rooms, of which there are about 40 in Liverpool connected with public-houses, and I believe them, from what I have seen of the performances, and from the effects which I have witnessed upon the people who attend them, to be most demoralizing places; the performances generally are of a very low and gross character, and tend to draw the young people who go there for the sake of the music and the spectacle, into habits of intemperance and other vices.

3951. Are those houses in connexion with public-houses?—They are in connexion with public-houses and beershops; some of them are in connexion with the houses of licensed victuallers, and some of them in connexion with beershops only.

3952. Is it from their connexion with these houses that they have this bad effect?—I think it is.

3953. If they were distinct from the beerhouses or licensed spirit-houses, do you think they would be less objectionable?—Undoubtedly, I think they would be of a higher character, and might be made to encourage a higher tone of morality amongst the poor, who need recreations as well as the other classes of society.

3954. What has the nature of the representations to do with the refreshments, or the liquors that the people drink?—The entertainments now are got up in consequence of the competition, I think, amongst the publicans, as a lure to attract people to the public-houses, and to encourage tippling.

3955. Still the attraction that is provided must have reference to the taste of the people?—It must have reference, of course, to the taste of the people; but having representations in such places, the taste of the people is gradually depraved by them, and so far as I have had an opportunity of observing those performances, they are all of a lowering character. I have watched many of these houses from their commencement, and, if they are begun with a little more strictness than is common, they generally sink, and the character of the performances, instead of improving, is worse as the house goes on.

3956. Are there any of those houses of entertainment which are not connected with beerhouses or public-houses?—None of them. There are Saturday evening concerts held in Liverpool, unconnected with any drinking house, which are attended by immense numbers of people.

3957. Are those working people?—Yes, and the performances are of the most unexceptionable character. I think those Saturday evening concerts have been very beneficial in Liverpool.

3958. They are not connected with beerhouses?—No.

3959. They

3959. They do not allow any refreshments to be sold?—No; at the establishment in Lord Nelson-street the performance generally begins about eight o'clock, and I think it closes about half-past nine; as a rule, the people go home then; of course there are some who may go to public-houses in the neighbourhood, but they are only exceptions; the bulk of the people go home when the performances are over. It is a common thing for the mechanics, with their wives and children making family parties, to attend those concerts.

3960. Is there any scenic or dramatic representation?—Nothing of the kind.

3961. Are there any disorders observed in those other houses; any drunkenness, fighting, or anything of that kind?—I cannot say that drunkenness is very frequently observed in them; I do not think that they are attended generally by the habitual drunkard, for when persons acquire such an appetite for drink as to desire that only, they find their gratification elsewhere, and they do not want to go to those concert rooms. I think such concert rooms are an avenue to intemperate habits.

3962. You would distinguish those houses which belong to beerhouse keepers from the house that adjoins a public-house or a beerhouse, as being more dangerous?—Decidedly.

3963. If a person is disposed to drink when he comes out from the other evening concert rooms, he can go to a public-house?—Yes.

3964. If he does not desire to drink, he can go to a beerhouse where musical entertainments take place, and yet not drink, can he not?—No; that is not the case in the majority of such houses; it would be true of some of them, but in most of them persons must drink; they are admitted without the payment of any money, but they are soon made to understand by the waiter coming to them, that they must order drink or leave the place; some of the larger houses require the payment of 3*d.* or 6*d.*, according to the part of the house that a person goes to; he pays his money at the door, for which a check is received, and refreshments to that amount are obtainable inside, if the possessor of the check wishes to have them; but to most of these houses, as I have said, the entrance is free; but the visitor is compelled to order drink as the condition of remaining to witness the performance.

3965. You mean that the people have a taste for concerts, and something higher than mere sensual enjoyments, and that those places sometimes are ill-chosen, and are in connexion with beerhouses and public-houses; what is your remedy for that; do you propose to the Committee an amendment of the law?—I think the law should prohibit the publican from opening any rooms of this character for public entertainments; I think the duties of the publican and the duties of the provider of public amusements for the people are quite incompatible.

3966. That plan you suggest with a view to prevent drunkenness?—With a view to prevent drunkenness amongst other evils; licentiousness is very often a consequence of going to these rooms.

3967. Is that the consequence of going to a place where they sell beer or spirits, or the consequence of going to see those representations?—Both causes operate; the performances are of a lowering and debasing character; evil companionships are formed, and intemperate habits often follow also.

3968. Sir *G. Grey.*] The only remedy you have yet suggested, is the separation of the two houses?—Yes, the evils are of a mixed character.

3969. Is your remedy to separate places of entertainment from public-houses, or to shut them up altogether?—Not to stop them, but to separate them from public-houses; then I have no doubt the amusements would be of a much better character. Their being conducted in connexion with public-houses tends to drag down (whatever originally were the intentions of the publican) the character of his performance.

3970. *Chairman.*] You would not object to refreshments being sold in those places, but you do not approve of intoxicating liquors being sold?—I do not think it is necessary that refreshments should be sold; but the law need only prohibit the sale of intoxicating drink; if it were found desirable to sell other beverages they would not lead to the same bad moral results.

3971. From what you have observed in these places of public entertainment, would you recommend that they should be placed under strict control, or receive their licences as the public-houses do; or have you any suggestion to make with respect to them?—The principal suggestion I have already made, namely, that they should be separated from the public-houses.

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3972. With reference to those houses which are separate from public-houses, have you any suggestion to make as to their regulation?—I think it would be necessary to prevent abuse, for them to be under some control and check, to prevent improper persons opening rooms under the pretext of opening places of entertainment, and allowing immoral practices to go on.

3973. Are you not aware that no house can be opened for avowed immorality?—Not for avowed immorality; I think all such places should be open to police supervision.

3974. Sir *G. Grey.*] Are not all those places connected with public-houses open to police supervision?—If they are connected with public-houses they are.

3975. I understood you to say that those 40 places of entertainment which exist in Liverpool are either connected with public-houses or beerhouses?—Yes.

3976. In both those cases are they not equally open to the supervision of the police?—I think they are.

3977. With regard to the separation you have recommended, do you mean that the same person should not obtain a licence to keep a public-house and to keep a place of entertainment?—I do.

3978. How would you meet the evil if two persons were living next door to each other, one having a licence for a public-house, and one for a place of amusement?—I could not meet the evil in a case of that kind altogether, but it would be met in some measure; because in such a case as that young persons might go to see the representation, and not be compelled to drink as a condition of witnessing the entertainment.

3979. Therefore the separation of the two licences is the extent of the remedy which you are prepared to recommend?—That is one remedy.

3980. Mr. *K. Seymer.*] If the power of granting the licence were discretionary, and the magistrate had reason to believe that there was any collusion between one man and his next-door neighbour, he might refuse to grant a licence?—Yes.

3981. Sir *G. Grey.*] Would you make that discretionary with the magistrates?—Yes, I think it would be desirable.

3982. Would you make the licence revocable at the discretion of the magistrates?—I think so.

3983. Mr. *Brown.*] Have you any knowledge of a fact which has been stated to me by Mr. Cropper, that in visiting one of those dancing saloons he found almost a riot going forward; that the proprietor of the house came in, and ordered the curtain to be drawn, and then there appeared upon the stage a female very handsomely dressed, who sang a very indecent song, and that they were immediately as quiet as mice?—I have not witnessed a scene exactly of that character, but I have witnessed very improper performances.

3984. Have you heard of it?—I have not heard of that precise occurrence.

3985. Mr. *K. Seymer.*] Have any complaints been made to the magistrates on licensing days of the gross performances which have taken place in those houses?—I am not aware whether any complaints have been made to the magistrates on licensing days. The watch committee drew up a report about a year ago; and, I think, in that report the singing saloons were referred to, and pointed out as a very great evil, tending very much to demoralize, especially young people.

3986. Can you give any instance of a licence having been refused in consequence of any transaction of that kind having taken place?—I know of no such instance.

3987. Sir *G. Grey.*] Although the magistrates have the power of revoking a licence, or not renewing it, they have never done so, in consequence of those saloons being attached to a public-house, and having led to scenes of great immorality?—The report of the watch committee was not a direct complaint made to the magistrates, it was addressed to the town council; I am not aware that the magistrates have ever had any direct information upon the subject.

3988. Is there not a large body of police in Liverpool?—Yes.

3989. Would it not be their duty to lay informations against those houses if they were violating the law?—If such violations came under their observation.

3990. Have they not the power of frequenting those places to ascertain what is going on?—They have the power, but I do not know that it is exercised to any extent.

3991. To what do you attribute that?—I scarcely know to what cause to attribute

attribute it, except that they have not directed their attention to those houses in particular; the magistrates are, I believe, now considering the character and influences of these saloons more than in years past; they are of comparatively recent introduction.

3992. Do you think if the police were required to do their duty more efficiently that those evils could be checked?—I do not think they could be checked by such an agency; the evil is gradual, and often not such as the police could recognise; when the overt act is committed, then the mischief is done and the young people are ruined.

3993. When you speak of saloons being attached to public-houses, you propose, with respect to granting licences, that the magistrates should have the power of taking away the licence?—Yes.

3994. If the police were to inform against these houses, and the magistrates were aware of the evils that arose from them, have they not a remedy in their own hands at present?—I do not know whether the magistrates could sustain a decision of that kind if the police were to do so; it would be a very unusual thing to inform against houses exercising such a demoralizing influence without being able to point to individual instances of grossness and direct and open violations of the law.

3995. You do not think the offences which take place are such as to subject them to conviction?—Not generally.

3996. Mr. *Brown.*] I presume in some of those 40 or 42 houses, drink is sold?—Drink is sold in all of them; I am not aware of the particular occurrence you just now referred to; I have witnessed performances of a very gross character, and heard songs which bordered on obscenity, not only the words themselves, but the gestures and tone, which have a great deal to do with the effect, in such songs as are intended to indicate double meanings; of course the grosser meaning is always suggested by the tone and gesture.

3997. *Chairman.*] Have you ever seen a ballet performed in London?—Yes, I have.

3998. Did you ever see anything so bad as that at any of the saloons at Liverpool?—Much worse; I have seen all the grossness without any of the grace, or beauty, or poetry.

3999. Mr. *Brown.*] What means would you take to control those places?—I think that separating those places from public-houses would of itself have a very powerful effect; the Saturday evening concerts tend to favour that opinion.

4000. Then you desire to see those places of public amusement superintended, or rather to provide that they should be put under proper regulations?—Yes.

4001. *Chairman.*] Have you been long acquainted with the habits of the population of Liverpool?—Better than five years.

4002. Has there been any change in their habits during that time, upon a close observation?—I think so.

4003. Is there less drunkenness than there used to be?—There is certainly less; but there is still a great deal of gross drunkenness. It prevails, indeed, to such an extent as would scarcely be believed by persons who are not in the habit of going amongst all classes of people. On the whole, it has decreased.

4004. Does the drunkenness at Liverpool arise from drinking spirits or beer?—My opinion is that the majority get drunk on beer; nineteen-twentieths of the men get drunk on beer; the women who abandon themselves to intemperance more commonly drink spirits.

4005. On the whole, drunkenness is on the decrease in Liverpool, in your opinion?—Yes.

4006. To what do you attribute that decrease?—To various causes: the extension of education; the greater zeal and interest which is manifested for the welfare of the working classes, and especially shown by Christian ministers of all denominations; the great cheapness of tea, coffee, and sugar; and, above all, I think the direct efforts of temperance societies have had a very powerful effect upon the working classes.

4007. Do you think the example of the bettermost classes in Liverpool being less drunken has also had an influence on the lower classes?—Yes, I think that is another cause which should be mentioned; people are more careful now of offering temptations to the working classes, and offering them drink when they bring parcels to their houses, or do work; it is getting more common to give them a small money fee instead.

4008. Mr. *Gregson.*] You have spoken favourably of the Saturday evening concerts

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concerts at Liverpool which are separated from public-houses; would you require any regulation for them?—I think if concerts like the Saturday evening concerts were to be established on a very large scale, there would be openings for abuse; if those saloons which are held at public-houses were shut up, it would be desirable to give the power of magisterial supervision, if it does not already exist.

4009. Mr. *Barrow.*] I do not understand that the magisterial power which does exist is exercised at all, or that any representation has been made of the generally immoral character of the singing and dancing places, or that any effect has followed, or that any licence has been suspended?—My information is not very precise upon that point; but in the newspapers I have seen lately that some informations have been heard before the magistrates laid against those houses, I think on the ground of their infringing the Theatres Act, by having dramatic representations.

4010. *Chairman.*] Did the magistrates take notice of those representations?—They did. I am not aware at this moment what the decision was. I have no doubt the object of the magistrates was to check such houses.

4011. Were the magistrates applied to for an infringement of the Theatres Act?—No; I supposed that they wished to check the extension of those houses; that was my interpretation of the act of the magistrates.

4012. You do not know much about the conduct of the magistrates in deciding informations against those houses?—Only when I have been occasionally present in the police court. There have not been many informations against the concert saloons.

4013. Is there any suggestion which you wish to make to the Committee as to any amendment in the law?—In order that the Committee may know something of the character of the representations of those houses, I should like to place before the Committee some extracts from my report to the Liverpool Domestic Mission Society. "In company with a sergeant of police, in plain clothes, I visited 14 of these houses one Saturday night, between the hours of 9 and 12 o'clock. I will not attempt to explain in detail what I saw, but altogether it was a series of the most heartsickening scenes I ever witnessed. The rooms were of various grades, but in all the arrangements were such as could only exert a lowering influence upon those who attend them. In many of them lads from about 13 to 18 years of age formed a considerable number of the audience, and in every instance I marked the presence of abandoned women. In one of the rooms there were about 150 persons, a third of whom consisted of boys. In another of a higher character there were about 400 persons assembled, a fourth of whom at least consisted of youths of both sexes. Apart from the performances themselves, the custom of supporting these places by means of the drink sold must of itself exert a very depraving influence, as the young persons attracted to them by the exhibition are gradually initiated into habits of intemperance. The best conducted of the rooms I fear the most. In some of them the songs and the singers are of such a character that none but those already vitiated could take pleasure in them. In one of the rooms that I visited, a young woman with rouged face, dressed as a Swiss flower girl, with a basket of flowers in her hand, was singing whilst in a state of intoxication; and the extravagancies occasioned by the excitement of the drink were the principal source of amusement to the man strumming at the piano, and a comparatively small audience, consisting chiefly of sailors. This was a scene too disgusting to be very dangerous; but in the better conducted rooms, where there is more attention to appearances, and a thin gauze of propriety is thrown over all the scenes, everything is calculated to deprave the taste, to intoxicate the senses, and stimulate the passions. A few of these places are open on a Sunday evening. I looked in at one of them lately with a friend. The audience was very small, but most of the few that were there were intoxicated. To this select drunken company I heard the Old Hundred Psalm sung, the Hallelujah Chorus, Bishop Ken's magnificent Evening Hymn, and the Jubilate Deo. The organ was a large one, with 12 stops, and on the finger-board was laid a long tobacco-pipe, evidently belonging to the organist, with which he doubtless at times refreshed himself. The singers formed a curious group, consisting of three men and one woman. The latter had a loud but faded voice, over which, though it was probably once good, she had lost all control, and most discordant were the notes she sent forth. One of the men had a decent, though rather 'shabby genteel' appearance, but the

the other two were dirty and ill clad, one of them especially, who had on a very ragged coat, and bore constantly on his face a kind of smile that seemed to indicate that he considered the whole affair a comical joke. It was a melancholy thing to see and hear this group singing in such a place, and to such a company, 'Glory to thee, my God, this night,' and 'We are his people and the sheep of his pasture.'"

4014. Mr. *K. Seymer.*] Do you happen to know whether any of those persons who keep those houses are the owners as well as the occupiers?—They are very seldom the owners.

4015. Do you know at all in whose hands those houses are?—The majority of them belong to brewers.

4016. Mr. *Brown.*] Do you not think there is less evil from parties resorting to those dancing saloons than would arise if they were not open; that they would resort to public-houses to indulge their propensities?—The great majority would not go to beerhouses; the people who frequent those casinos would shrink from going to beerhouses at first; it is not till the depraving influence has done its work, that they take to the beerhouses.

4017. *Chairman.*] Is there anything else which you wish to state to the Committee?—The character of beerhouses is a subject to which I have paid some attention; I think the almost unrestricted number which is permitted is a great evil; inferior persons keep those houses, and they are opened in back narrow streets, where they are removed from the check of publicity, and the greater cause of crime is given.

4018. Do you know whether they are increasing in proportion to other licensed houses in Liverpool?—I think they are increasing.

4019. Are you acquainted with the fact yourself, whether the proportion is not rather the other way, and whether the licensed houses are not increasing in proportion to the beerhouses?—In Liverpool the licences have exceeded the number of beerhouses; for the last two or three years the magistrates have, however, been very careful of granting licences. During that time I think the beerhouses have been increasing.

4020. In saying that the magistrates are more careful than they used to be in granting licences, do you mean that they have refused application for licences?—The great majority.

4021. Therefore the consequence has been that there has been an increase of beerhouses?—Yes; in Manchester licences have been very sparingly granted, and hence there is a very large number of beerhouses there; in Liverpool licences have been more freely granted, and beerhouses are consequently less numerous than in Manchester. I regard it as an evil that beershops are not under as much control as the public-houses.

4022. Sir *G. Grey.*] In what respect are they not under the same control?—They can be opened in any narrow back street in a small house; the magistrates have no check upon such things.

4023. You mean that they can be opened without a magistrate's certificate; but you do not mean to say that when they are once opened they are not under the same control as the public-houses?—No; and yet the licence not being of so much value, there is not the same amount of property at stake, therefore the magistrates have not the power of holding the same amount of terror over their heads.

4024. You mean that the magistrates cannot revoke the licences?—Not so readily.

4025. They are under the same control as to any police regulations?—Yes, and visited by the police.

4026. The beerhouse keepers are not at liberty to keep their houses open to nearly so late an hour as the public-houses?—They must be closed at 11 o'clock; I believe that is the limit.

4027. *Chairman.*] Therefore they are under more control than the licensed victuallers' houses?—The law compels them to close at 11.

4028. Mr. *Brown.*] Would it not improve the character of those houses if the landlords were to give bonds and securities?—I think it would be an additional check and guarantee for the character of the landlords.

4029. Sir *G. Grey.*] What proportion of those 40 dancing saloons is attached to public-houses, and what proportion is attached to beerhouses?—I think the

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majority are attached to public-houses; I am not quite sure; I have not the figures in my recollection; those that are attached to beerhouses are obliged to be closed before 11 o'clock; they generally close at a quarter before 11; so far they are a less evil than those which are attached to public-houses, which can be kept open later.

4030. *Chairman.*] Your objection to beerhouses is, that they encourage drunkenness; but you do not allege anything against these beerhouses, that they are kept by improper characters, or that any offences are committed in them which are not informed against?—Many of these houses are kept by improper characters; but my leading objection to them is that they encourage drunkenness. Beerhouses are often kept by persons who have lost their licences as publicans; sometimes they are kept by discharged convicts. The practices which are common in beerhouses would seldom be allowed in the houses of licensed publicans.

4031. Are not those offences against the law to which you refer?—They are offences against the law, but it is not easy to give legal proof of them.

4032. What are those offences?—Harbouring prostitutes and giving facilities to thieves, especially to thieves who are prostitutes, and taking care of their spoils for them.

4033. Have the magistrates evidence of that?—I suppose they have not evidence of it legally.

4034. Do you mean that there is common report of such things taking place?—I speak of my own knowledge.

4035. Sir *G. Grey.*] You say that discharged convicts are keeping such houses?—Yes; in some cases.

4036. Do you know that such persons are for ever disqualified from becoming the landlords of such houses?—I do not; but if that is the case the licence might be taken away from them.

4037. Mr. *Gregson.*] Is it part of your endeavour to bring informations before the magistrates?—No. The watch committee have made use of our Report, but it was because it was for sale, and to be had of the booksellers.

4038. *Chairman.*] May not persons of bad character occasionally keep other shops in Liverpool?—They may do so.

4039. Might not a person of bad character open a coffee-shop?—Yes; and I think it would be desirable that the coffee-houses should be under the same supervision as the licensed public-houses.

4040. Would you have any inquiry made into the character of a person before he opened a trade, or would you not rather wait until he committed an offence?—If there were anything remarkable about the trade to make it a perilous trade that requires to be regulated because of its extreme liability to abuse I would; I think there is a great difference between beer and bread, for instance; men are very much more liable to go into excess in drinking beer than in taking bread; the appetite grows with what it feeds upon in the former case.

4041. Sir *G. Grey.*] Are there many coffee-houses in Liverpool?—I think there are.

4042. What is the character of those houses?—As far as I know, they are well conducted. There are temperance houses, which are chiefly for the accommodation of travellers. I have heard of such cases as gambling in those houses; I have known them do so in Exeter, a city with which I am well acquainted; and it is possible that there may be such practices in Liverpool, though I am not aware of the fact. A person may take advantage of a good name and open a house as a temperance house for covert purposes. I think it would be well that they should be under the same inspection as public-houses and houses of entertainment.

4043. Do you wish that those houses should be subject to the same restrictions as to licensing, and to the same liability to have the licence revoked?—The police should have the power of entering to see that those houses are really what they profess to be.

4044. Mr. *K. Seymer.*] Are you aware whether the returned convicts of whom you speak as being notoriously bad characters, have received testimonials as to their good character?—Such certificates are of no value; a man just returned from Norfolk Island might get half a dozen good-natured people to sign testimonials, when there is no pecuniary responsibility connected with the act.

4045. Mr. *Brown.*] Are not those certificates constantly produced in Liverpool?—I think the magistrates require them there.

Mr. *James Bishop*, called in; and Examined.

4046. *Chairman.*] ARE you the Secretary to the Beersellers' Association?—I am.

4047. How long have you held that situation?—From the first commencement of the association, shortly after 1830, but more positively after 1834, when it became more an organized society, and now it is enrolled.

4048. Does this society extend over the country?—No, it is a metropolitan society; it is now corresponding with other parts of the country; it has no particular connexions much out of London.

4049. Are you acquainted with the trade generally throughout the country?—Yes, having been part of my time a commercial traveller, occasionally.

4050. Do you keep any house yourself?—No, I never did.

4051. What has been the effect generally of the change in the law, since the beer trade was so far thrown open?—The first change, I think, which I can point out, is the alteration of price; before throwing open the trade, the price of porter was 5*d.* a pot, and ale 6*d.* to 8*d.* a pot; the alteration on the repeal of the duty was equivalent to three farthings per pot, but competition reduced it much more, so that from that period to the present porter has been sold at 3*d.* to 4*d.*, and ale from 4*d.* to 6*d.*

4052. Was not the beer duty repealed at the same time that the houses were allowed to be opened?—Yes.

4053. The first effect produced by opening the trade was that the price was reduced?—Yes.

4054. Do you think the quality of the beer has been improved?—As to quality, it has been very much improved, inasmuch as it stands to reason, where there is so large a competition, it would be impossible to obtain custom by any other means; in the most populous places they will not go to houses where they do not sell a good article. You might receive evidence of the chemical weight of the beer, as compared with the old standard, which would show that the strength of the beer now brewed in London is generally superior to what was brewed in some places.

4055. Generally speaking, there has been an improvement in the quality of beer?—I believe the bad beer must be attributed to the want of sale; where it is not drawn quick enough, it becomes spoilt; the weather will spoil beer. I believe public-houses and beerhouses are both better served than they used to be.

4056. Have you any proof that the public have been better accommodated from the number of houses that have been established to what they were before?—My proof that the public are better accommodated would be deduced from this, that a large number of licensed public-houses became converted into places for the sale of spirits, more particularly, where the accommodation of tap-rooms was done away with; then the beerhouses stepped in to give the necessary accommodation, which accommodation the working man wanted more particularly than any other classes. It is a common thing to go into a number of houses and to find no place where you can sit down to partake of a meal. This has been one result, to give to the working classes greater accommodation in that respect; it places the means of comfort more within their reach. From going into a beerhouse and being furnished with that accommodation, the landlord of the house could only suppose that the party would take beer in return; but in a licensed house the party would look to a return of another sort; they would either expect to sell spirits or mixed liquors. I think, therefore, that beerhouses afford more eligible places of accommodation for a working man as a place of rest and refreshment.

4057. When the law was first changed were there a great many established more than the public required?—I should suppose there were more than the public required, inasmuch as we observed a good many of them could not maintain themselves with what they sold. I imagine in some districts the houses adjusted themselves to supply and demand. I have a return of the chairman of Excise of the number of beer licences, and the number of publicans' beer licences, for about 15 years. I find, after the passing of the last Amendment Act, in 1840, that the number of licences granted to beerhouses as well as to publicans have very materially decreased.

4058. Sir *G. Grey.*] Are you speaking of the metropolis, or of the whole country?—The whole country.

4059. *Chairman.*] You say that the beer licences have diminished materially?—In 1838 there were 44,729 beer licences; in 1849, 6,529 less, by the return.

4060. Sir *G. Grey.*] Have you information at a later period?—No, not later

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than 1849; the return was given on the 28th of February 1850. The beer licences granted to publicans in 1838 was 94,616, and in 1849 only 88,496.

4061. So that there is a diminution in both classes?—Yes; I attribute that to two reasons; the decrease of publicans' beer licences I must consider to be mainly dependent upon the establishment of railway travelling, and by rendering the traffic less in those old districts than it was a little while ago; the numbers carried are greater, but the demands of the public have not been so large, inasmuch as they can go over a great space of distance in a short time. I attribute the decrease in the number of beerhouses to the effect of the disqualification clause, which determines that the house shall be of a certain rental; it has had the operation materially to decrease them, inasmuch as long as the proprietor chooses to remain in the house he can maintain his position, but he cannot dispose of it to another party; should he die the house becomes disqualified, therefore the parties in the trade are materially decreasing; those now granted are decidedly of a superior character.

4062. *Chairman.*] To what Act do you refer?—The one which was passed in 1840, by which the qualification was raised to 8*l.*, 11*l.*, and 15*l.*

4063. That did not affect the houses already established?—No; but they could not part with them. If A. B. held a house, he could not part with his house in any way; that decreased the number of houses in many districts; if the house was disqualified as soon as the occupier died, his house fell, because the qualification was below the required amount.

4064. He might be deprived of his licence, might he not?—Not so long as he maintained a good character in it; but it acted in another way, and in an excellent way, I think, by giving security for his good conduct, his licence being forfeitable for certain disorderly practices; it made it at once a reward for continuance in good conduct subject to his remaining in it; the licence could have been forfeited for bad character, or if the house has been unfit for any other reason, it could not be carried on.

4065. What do you mean by disorderly practices forfeiting the licence?—The first offence was visited with a pecuniary fine, and the second in like manner, but in the third a forfeiture took place.

4066. Do you know any instance of forfeitures having been declared upon other grounds than convictions, or general misconduct of the houses?—I have known forfeitures to take place upon informations under the Excise laws; but the licences have been granted by the application of a new party, so that the houses have not been shut up.

4067. You have been speaking of some changes which have improved the character of the beerhouses?—Yes; because the parties who, since 1840, have applied for licences, are obliged to be parties holding houses at a higher rental; that has brought forward a class of persons who are more likely to preserve order and respect the laws. I believe the beer trade has suffered within its own camp. I believe there were persons who, when they first started in the trade, had not capital enough to maintain their position, and such persons were tempted by the small custom they had attached to their houses to do wrong; temptation has been presented to the parties to allow playing at cards, and serving a few minutes after time. There has been an inducement to parties to give way to temptation where they have not had custom enough to get a living; but I have known very many others as careful as possible to preserve the line which has been laid down. I believe it to be owing to the higher qualification materially, and to having a better class of men.

4068. Do you think the law is oppressive to beer sellers?—The principal oppression is, that when he has been some years in the trade, and finds from the particular neighbourhood there are a number of persons supporting him, he would wish to apply for a spirit licence; in such a case, in many parts of London, he has found that has operated against his application.

4069. Do you mean the fact of his having kept a beerhouse?—It has been stated to him—I have heard it stated on the bench—"You first open a house as a beerhouse; you find it does not answer your purpose, and then you come to us to improve your condition."

4070. What is the force of that observation; do you think it is a just one?—I think not; because I think when a man has conducted a house well for a number of years, and has proved himself to be a proper party to receive a licence, it ought to be granted; it would have been a stimulus to good conduct if the magistrates had

had held out the expectation that a licence would be granted where the neighbourhood required it.

4071. Does not it often happen that the man can prove that his beershop has answered very well?—The profits of a beerhouse will not keep a man in that respectable standing in life that he would like to be in, unless he has something else to do as well. In London a highly rented place must frequently be had to give a good living to a man, and if it does, there is a great deal of work to do in keeping the things required in his business, and keep his cellar in order. He does not sell any of the lighter things by which he could get greater profits; therefore a man that is a successful beerhouse-keeper has to work very hard for his living.

4072. Sir *G. Grey.*] What is the object of men in taking out beerhouse licences; is it with the view of getting a spirit licence?—In many cases it is taken out as an introduction; in others, to support his family out of the profits.

4073. You think the fact of a man having a beerhouse licence operates as a bar to his obtaining a spirit licence?—I have known it to do so, and I have reason to believe it does so operate in many cases.

4074. *Chairman.*] Have you any remedy to suggest for that?—I hardly know how an enactment could possibly be framed which would compel a licence to be granted to a beerseller unless his house was qualified. I think if the statute could be made compulsory upon the magisterial body to grant a licence where the applicant has been a number of years in the beer trade, and properly conducted his house, it would be a good thing, and tend to improve both trades.

4075. Would it not lead a man to be very careful during the time he kept a beerhouse if he had in view ultimately getting a spirit licence?—Yes.

4076. It does not signify what his conduct has been; his offence is having opened a beershop at all?—The only qualification that is likely to be of any avail in procuring him a licence is the powerful exertion of interest which he is obliged to have resort to.

4077. What do you mean by powerful interest?—The interest of the brewer.

4078. Do you mean that if a man wants to get a licence he must form a connexion with a brewer?—He is generally successful if he does so.

4079. What connexion do you mean to suggest as existing between the brewer and the bench of magistrates?—It is scarcely known to any but the parties themselves: but it is a fact that is well known that there are particular brewers, in particular localities, who, by the influence of their property (I am not trying to give it a wrong character), and by the influence of their wealth and friends amongst the bench, have the power to get licences for particular parties, and that same feeling operates very seriously against those who have not influence so to use. Another class of men of property have influence—that is the ground-landlords—devoting particular spots for public-houses, and then using the influence (which is a standing term) to obtain a licence for those houses; and the same influence is directed against any other party who has not any influence. It is a received opinion with a large body of the beer trade that it is of very little use to apply for a licence unless they are backed by a certain influence.

4080. You are speaking of the trade?—Yes.

4081. And you are speaking of the generally prevailing opinion in the trade?—Yes; I will give you one instance: a person of the name of Edwards, at Limehouse, had conducted a small brewery with great success, and I believe his beer was generally liked about the neighbourhood; he realized a sum of money, and took a piece of ground at Mill Wall, nearly opposite Greenwich Hospital; there he erected a very large house, and, having some little knowledge, he opened in the trade; altogether he put himself to a large expense to make it perfectly eligible for a tavern as well as for a public-house; the front of it he devoted more particularly to the purposes of a respectable hotel; the rear was intended more as a tap-room, or accommodation for the working classes; but it was all attached to the same house and all under the same roof; he tried for a licence for three successive years, but he had nothing to bring forward but good character. From the first starting of this house down to the time of his death, I knew the person well. After three years he found the expenses of the house deprived him of the power of continuing it any longer; he then made it known that he should like to part with it, and it became the property of a brewery firm at the east of London, and it was licensed on the very first application to a stranger whom no one about the place knew.

4082. Sir *G. Grey.*] Do you mean to say that brewers' houses belong to the brewers?—Yes; but more indirectly than directly.

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4083. Do you mean to say that the brewers have public-houses which belong to them?—Yes; it was the practice previous to opening the trade; the opening of the trade has corrected it a great deal; the great brewers found it necessary to have the houses, or they would not have had customers, or employment for their capital.

4084. Do you mean that the brewers had equitable mortgages upon the houses?—No; I mean that the houses were the property of the large capitalists, by indirect but equally effective means, more generally.

4085. What do you mean by indirect means?—Loans on the house.

4086. *Chairman.*] Loans to beerhouse-keepers?—Or to public-house-keepers; both.

4087. Sir *G. Grey.*] You mean loans upon the deposit of deeds as an equitable mortgage?—Yes.

4088. *Chairman.*] Am I to understand you to say that this house at Greenwich was purchased by a brewer?—I believe a broker purchased it, but it became the property of a brewing establishment, and that firm put a man in, and it was licensed.

4089. Was the in-coming tenant a man of capital, or a servant of the brewer?—He was little more than a servant of the brewer.

4090. Was he the person who applied for the licence, and got the licence?—Yes.

4091. Do you know what the difference in the value of those premises was before and after the licence was obtained?—From the generally received opinion, I think by the granting of the licence at least 1,500*l.* was added to the house.

4092. Has the house been continued ever since as a tavern?—I believe so, but I have lost all sight of it.

4093. Sir *G. Grey.*] Is that house on the same side of the river as Greenwich?—It is called the "Earl of Glengall;" it is near the place where they make the iron steamboats.

4094. *Chairman.*] Can you tell the Committee anything about the connexion between the brewer and the publican; is the publican tied down by conditions with respect to the sale of beer?—That depends upon how far the house is free; if the house is a brewer's house, it is a matter of arrangement between the parties, except that sometimes it is essential to have some other beer, such as Scotch ales, or other things thrown in; an arrangement is entered into in very many cases not to permit any beer at all but his own, and if he does, he supplies it.

4095. Do you mean the beer of another brewer?—Yes.

4096. When the beersellers in the metropolitan district are in the habit of applying for a spirit licence, do you find that they are opposed by the brewers and licensed victuallers who have recognised agents to attend the bench?—There is a sort of collection or subscription in the neighbourhood, and a legal gentleman is employed with the money so raised to take charge of the general opposition, no matter who applies for a licence, but more particularly if a beerseller applies. When an application is made, a subscription is made amongst the publicans in the neighbourhood to raise a fund, out of which the legal gentleman is paid to oppose any grant of a licence.

4097. Do they oppose it upon general grounds, or that it will injure the public-houses existing in the neighbourhood?—I do not think they would like to advance that as an argument; it is generally opposed on the ground that there are already enough in the neighbourhood, and another is not yet required.

4098. What is the argument which is usually addressed to the bench against a fresh licence?—That it is not sufficiently distant from other houses to require it; I believe that is the reason in many cases; or if the neighbourhood is new, that there are not a sufficient number of houses in it to warrant another public-house; that the requirements of the district do not want it; while one party gives evidence that it is required, the other gives evidence that it is not required, and then comes the question for the magistrates to decide between them.

4099. You have stated that the publicans oppose the beersellers more than other people; is there any rivalry between them?—I am happy to say that feeling has fast gone down; the beer trade was opposed seriously and successfully for a long time by the brewers sending beer to the publicans to be sold so cheap that the beersellers could hardly attempt to stem the current. It must not be forgotten that there is now scarcely a licensed victualler but took his house under a knowledge of the existing law, and he is not able to plead that his property has been depreciated by it; there is not the same reason therefore for the opposition that there was at first.

4100. Do you wish to suggest to the Committee any amendment in the law affecting the beer trade?—The only suggestion of that kind I could offer would be the entire freedom of sale.

4101. Do you mean a freedom of sale of beer generally?—I am speaking of beer. I think the present regulation with respect to the rating of the houses is as high as it can fairly go. If upon my argument, that the increase of ratability has increased its respectability, it is to be supposed that a little further increase of that ratability would have a corresponding better effect, my answer is, that it has gone as far as it can go. I think you would go beyond the medium if you went any further in the rental.

4102. Sir *G. Grey.*] When you suggest an absolute freedom in the sale of beer, do you mean that you would do away with the qualifications?—Certainly not, where it was to be drunk on the premises; but I do not see why beer should not be sold by anybody without a licence, provided the beer sold is not consumed on the premises.

4103. Would you keep up the qualification?—Yes, where it was to be drunk on the premises; but I do not see why beer should not be sold as well as milk, butter, and cheese, or anything else, for the same reasons; but not to allow consumption on the premises, directly or indirectly, and not to furnish jugs or pots for the parties to drink out of, but merely a house of supply for the neighbourhood.

4104. *Chairman.*] Would you do away with the certificate of character?—It is utterly useless; indeed, it is often mischievous.

4105. Might it not be useful if the parties entered into bonds, making them liable to pay a penalty in case of misconduct?—As far as the certificate of character is concerned, its uselessness is realized in one instant; it has acted the opposite way; I believe it has been more mischievous than useful.

4106. How has it done any mischief?—The practice in various parts of the country has been for persons who have lived as servants, or who have had a little legacy, to keep beershops and public-houses; a large number of beershop-keepers and publicans are those who have been in families and realized some little property; service is the nursery, I may say, for both trades; and when persons wish to take a beerhouse, or when they apply for a beer licence, if they are called upon to produce a certificate of character from persons residing in the place where they intend to open a house, it necessarily fixes them to the spot; if they endeavour to look out for a better spot, where there is a probability, from their friends or relatives being in such a place, of getting a better living, they must find a certificate from persons all inhabitants of the same parish, whereas if it were the certificate of good householders, who had known the party, never mind their being of the same parish, you might get a more genuine certificate. The party goes to the brewer, who manages to get a certificate for the man from parties who do not know whether the man is in existence or not; in my opinion the certificate is injurious; I have known it to be so in many instances.

4107. Would it not be generally the case that a man would get a certificate from the place where he last dwelt?—It must be from persons in the same parish or place in which he is going to establish a house; if it was a certificate from any place, it might be genuine, and of some service, but as it is he is obliged to have recourse to some butcher or baker, or others with whom he may deal, or through the medium of his brewer, to obtain a certificate.

4108. Sir *G. Grey.*] Is any certificate required in the metropolitan district?—Not in a portion of the metropolitan district; it is demanded throughout the whole of the Kensington district, but not in those parts of the metropolis sending Members to Parliament.

4109. Do you think a beer licence is more easily obtained in those places where a certificate is not required, than where it is?—There is no difficulty in obtaining a certificate at all. I say it is injurious in its operation in more instances than it is useful, nor does it secure the character of the party.

4110. *Chairman.*] In the case which you have mentioned, where the brewer has obtained a certificate for the beerseller, is he bound to sell the beer of that brewer?—That we must understand to be implied.

4111. Sir *G. Grey.*] You recommend that the sale of beer across the counter should be absolutely free, without licences, where it is not to be consumed on the premises?—Yes.

4112. *Chairman.*] Have you anything to recommend to the Committee in order to improve the respectability of the trade?—I have no particular plan, but I am still of opinion that if an inducement could be given to good conduct, by making

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a beer licence a passport to bettering the man's condition, it would be a great incitement to the proper conduct of their houses; there is nothing of the kind held out to them, and in very few instances can they successfully apply for a licence.

4113. Would you have everybody obtain a licence as a matter of course?—I do not know that I have any business to attack the licensed victuallers upon that subject. If I am asked, as one of the public, I have an opinion of my own, that under certain qualifications the trade should be as open and as free as others. I can see no reason why a man should not be a public-house keeper as well as anything else.

4114. Sir *G. Grey.*] Do you mean that there should be a free trade in selling spirits also?—Yes.

4115. *Chairman.*] You think the requirements of the public would settle the matter, as it does in every other business?—I think there is scarcely an instance in which the requirements of the public are very much considered, I believe, in a great many of the licences which are granted; I am speaking of the neighbourhood of London, and other large towns. As a general rule, there is an indirect influence used; I will not say that it goes to the extent of bribery, but means are indirectly taken. I know an instance of a man being directed to send notes, without any remark, in a blank paper. I know an instance of the kind where a person of the name of Dyke applied for a licence, and very shortly after he applied for it a person called at his house, and one that was known to the magistrates on the Eastern Bench, and wished him, or directed him, or advised him, perhaps advised would be the most correct term, to send notes directed to the several magistrates, and that he would find it effective in obtaining his licence. Mr. Dyke consulted me upon the point, and I advised him to do nothing of the kind, but to go and tell one of the magistrates. I have reason to believe that one of the magistrates felt indignant at such a base use of his name. I believe that such practices are had recourse to.

4116. When was this case with respect to Mr Dyke?—About 1834.

4117. Did you mean Bank notes, when you said "notes"?—I did. A magistrate showed me a letter in which it was said, if he would vote for a licence to a house at the corner of Warner-place, opposite Goldsmith's-row, Hackney-road, he would send a pipe of wine, independent of whether the licence was granted or not.

4118. Was that communication made to one of the magistrates?—One of the magistrates showed me the letter himself, to show me the unwarrantable means which some persons in applying for a licence would take; that was the case of a person applying. I have heard it said, that if you do bribe well you can get a licence.

4119. Mr. *Gregson.*] In what district was this?—The eastern part of London.

4120. Lord *D. Stuart.*] What was the name of the man?—The man who wrote the letter was named Ingram.

4121. *Chairman.*] Do you think political influence sometimes determines the granting of a licence?—In the late election for the borough of the Tower Hamlets, it was made a very great source of influence. It was said to a certain party, if he would support Mr. Butler, he would find it to his advantage. Mr. Butler was the candidate, and I believe not only was an effective committee got up by the licensed victuallers, but an inducement was given to support him, that it would be useful to them in their various walks in life. It was made public, and clearly understood that it would be useful to support Mr. Butler, and a large number voted on the recommendation of the publicans in favour of Mr. Butler.

4122. Are the Committee to understand it was suggested to the publicans that it might be useful to them to support Mr. Butler at the day when they had to apply for the renewal of their licences?—Yes.

4123. And that the same description of influence might be brought to bear upon the beersellers when they came to apply for licences?—I have no doubt that would be the opinion, that they would find it of some advantage; it was made a political engine.

4124. Do you believe that the way in which the men voted would have some influence upon the bench?—I should not like to go so far as that; I know that a body formed of licensed victuallers and beersellers did what they could, and were associated to support Mr. Butler; I will not go so far as to say that it operated upon the bench itself.

4125. Those are reports which existed, and were believed among persons in the trade?—Yes; it was currently reported that it would do good to the parties in their trades.

4126. Mr. *Brown.*] Those reports were so strongly believed that they influenced the votes?—They influenced the votes, and under such an opinion it is no use going in any other way to work.

4127. In your opinion the candidate for a licence would have much the best chance who had the most influence with the bench?—I am certain he would have a much better chance with it than without it.

4128. *Chairman.*] Have you any idea what system ought to be adopted, supposing the Government determined to collect a revenue from licensing public-houses?—I saw a rough copy of a new system of licensing, and I thought it was a very excellent plan; it would not only give the revenue the full proceeds, but the large quantities of money which are paid and go indirectly through the subordinate agents, more particularly of the bench itself, would be saved to the parties applying, and would come as a matter of course into the revenue of the country. The plan was something like this: a person having a house eligible for a licensed house should send to a public office in the district of London or Liverpool, and so on, and there should be a proper officer to come and inspect the house, to see that it was suitable, and that it was rated at a sufficient sum to come to the qualification necessary under the Act. Having done so, the applicant should deposit a sum of money equivalent to the rating of his house, and that sum should be paid for the first licence. Then, on its transfer to another person, there should be a certain proportion of it, say one-third part, always raising a revenue from granting licences, as well as the transfer of licences. He should find an equal sum as a bond, namely, from 20*l.* to 100*l.*, according to the rating of the house, and as a guarantee for good conduct. In the event of a forfeiture taking place, not for a trifling offence, that money should be forfeited over and above the money which had been given for the licence. In order to afford a controlling power, appeal would be given to a jury in the neighbourhood.

4129. Do you consider that at present there is a kind of monopoly in that branch of the trade which gets licences from the magistrates?—Distinctly so; with respect to public-houses, there are means taken to get them under the control of the brewers directly or indirectly.

4130. Can you tell the Committee some cases, or generally, what has been the effect upon the beer which they sell; do you believe in some cases the beer is not so good as it would be, in consequence of this monopoly?—Certainly; because the brewer acquires full possession of the house, and the man who takes it considers he has to work for the brewer more than for himself; it is to such parties that we have ascribed the adulteration of the article they sell. There is a common opinion that there is partiality on the part of the magistrates in licensing brewers' houses, and those houses are let by the brewer on higher terms than they ought to be; I mean the value attached to the house for which the man undertakes to pay interest. No money pasess, in truth. If a man has 500*l.*, and wants to take a house which would cost 1,500*l.*, it is suggested that the brewer shall lend the money, for which the incoming tenant agrees to pay five per cent. for the difference between the 500*l.* and the nominal sum. It is taken care in the course of years, and a very few, that the man shall get a little into his debt; it is rather encouraged than avoided; and if he does not do a trade sufficient to answer the prospects of the brewer, beer of an inferior quality is often sent; it is of no use for the man to complain.

4131. Do you mean that inferior beer is sent from the brewer's?—Yes; the man cannot find fault with it; but if a man is independent of the brewer, he can send and have it taken back. When he becomes attached to the brewer he must sell it, and he suffers materially; in a very short time it is sure to ruin him. Then there come quarrels between them; and the first person who applies for the house, this man receives notice that he must quit, or the consequences of the law will take place; he walks out by an arrangement with the brewer, or is turned out by the brewer coming upon him for the loan, which he cannot afford to pay.

4132. Must not the man who comes into the house get a new licence?—No, he has a transfer.

4133. Under what circumstances do you consider that beer is adulterated; is it when the publican is only able to participate in a small part of the earnings, from the terms under which he has taken the house?—I have something like evidence here, in one of the papers which I prepared; I drew up a few words about the comparison of crime between public-houses and beerhouses, and I noticed, in several instances, that the number of convictions were greater against beersellers than against licensed victuallers. When I came to dissect it, I found the principal con

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victions of beersellers were for selling beer some few minutes after hours, which you can hardly call a moral crime at all; a beerseller is often urged to it for many reasons; one of his best customers may come for his supper beer, and will have it, and then a policeman is at the door ready to pounce upon him; that creates a large number of convictions. This would not apply against a publican; the offences for which a publican is convicted must be more tangible offences; but when you come to compare the beerseller and the publican, as regards the purity of the articles they sell, the document states that in 1835 the number of publicans convicted of adulteration, was 15; in 1836, 108; in 1837, 79: total 202. Beersellers convicted of adulteration of beer in 1835, 3; in 1836, 6; in 1837, 2: total 11. I had occasion about two years since to make a particular inquiry of as many beerhouses as time would permit me, as to how many years each person had been in the trade, what was the rental of their houses, and how many times they had been convicted. I have reason to believe that I obtained true returns from 470 beerhouses in the metropolis and its environs. Of those, 61 had been in the trade from 15 to 20 years; 79 had been in the trade from 10 to 15 years; 103 from five to 10 years; 227 from one to five years. The total rental of those houses was 14,160*l.*, giving an average of 30*l.* each. Of those, 57 had been convicted once for an offence against the beer law, seven twice, five three times, and one four times; ranging over a period of 20 years.

4134. Have you the offences?—No.

4135. I understood you to say, with reference to offences committed by beerhouse-keepers, in comparison with licensed publicans, it arose from their houses being obliged to be closed much sooner than the licensed houses, and that one offence was serving a customer a few minutes after the time of closing?—I cannot imagine there is any difference as to the character of the men; I believe, from my experience, that individually very few contemplate doing wrong; I believe that a man occupying a brewer's house may have the effect of inducing him to adulterate his beer, and to make three barrels out of two, but that can only be done where it is drawn off quickly, and applies to porter more particularly than ale. I know it is done, but I do not charge them with it generally.

4136. Is it against the tenor of the licence of a beershop-keeper, as well as a publican, if he adulterates his articles?—It is in both.

4137. You say the offences which publicans commit are more tangible and serious than those of beersellers?—I believe the number may be reduced to an equivalent, if from the offences of beersellers were taken those which apply to selling beer just about the time of closing.

4138. Is it not the case that the majority of the offences of licensed publicans are for Sunday trading?—A large number of them. I have the pleasure to say, that both bodies, the Licensed Victuallers' Society, as well as the Beer Trade Society, have discouraged that to the utmost of their power. We have a positive rule, being an enrolled one, that no person shall have any assistance from the society, either in the way of advice or anything else, who is guilty of that offence. We, on no account, take the part of any person who has been charged with selling on a Sunday morning. I have heard several beersellers complain of parties who tempted them to serve on a Sunday morning, as well as the publicans themselves. It may happen that one of his good customers, or a neighbour, may drop in at the moment he is closing at night, or knock at his door on a Sunday morning, and request, as an accommodation, to be served under particular circumstances, and not wishing to lose his custom, he may give way. If it was made a fine upon the party to whom the beer was sold, as well as the party selling, I believe it would do a great deal of service in that way in preventing persons tempting the beershop-keeper to sell a pint of beer. I do not want to go beyond a fine of 5*s.* for the party who tempted, if the policeman enters and finds the person being served.

4139. Mr. *K. Seymer.*] In point of fact, you wish to punish the receiver as well as the thief?—I would. The law requires serious alteration in one respect; it has been before the House several times; that is, giving to the police not only the power, but giving to the beerseller or the publican the right to call them in to remove troublesome or disorderly characters. A very serious evil arises from the want of that power. The Committee will easily understand that troublesome characters will be found in such houses. The landlord tries to remove a troublesome person, who very often occasions serious annoyance, and he must have recourse to force to turn him out. When he is turned out you hardly want the police to interfere. I would have the police called in to remove those troublesome customers.

4140. You are alluding to the state of the law, which does not enable a policeman to enter a public-house?—Yes; a great number of the convictions against licensed houses, and a great number of the convictions against beerhouses, which are reported annually, arise from the want of that power.

4141. From there being disorders, and their not being able to clear their houses in time?—Yes.

4142. Who lays the information for the adulteration of beer?—The Excise.

4143. Are they generally the witnesses against them?—I have reason to believe that they act upon information; they hear of such a practice, and act thereon, and sometimes they detect it in the taste in drinking.

4144. Have you any doubt that beer is sold which is adulterated in many cases, where no information is laid at all?—I believe the adulterations are materially decreased in both bodies of the trade.

4145. Have you any doubt that the article which the brewers supply to their friends is quite different from that which they supply to a public-house?—I have reason to know that the subordinates in a brewery, when they have an article of an indifferent character, will send it to those under their domination, but I do not believe that the principals lend themselves to that system, as much as my remarks might have led the Committee to infer.

4146. *Chairman.*] Do not you think that the article supplied to private consumers is different from what is obtained at a public-house?—In a great number of houses the beer is sold as pure as it comes from the brewery, and in other cases you would not know it by the taste.

4147. Can you suggest anything more stringent against adulteration?—I think it is impossible to have anything more effective than Excise informations; I think we may leave the law as it is on that subject.

4148. What interest have the excisemen in discovering adulteration?—Promotion, I believe, is their inducement.

4149. The exciseman has a right to visit the publican's house at all times?—Yes; the entered rooms, the stores, and places where beer is kept for sale.

4150. Do publicans often brew their own beer?—In London very few brew their own beer.

4151. Must they take out a licence to brew?—Yes, that is a distinct licence from the other.

4152. Mr. *Barrow.*] You say the aggregate of convictions is greater against beerhouses than against public-houses; do you know whether the convictions against beerhouses for disorderly conduct have been greater than against public-houses?—I have not the means of separating them; I intend to infer that where I have been present and seen convictions, the numbers, if they are taken from the aggregate list, would leave a much smaller list for the one than the other; I mean that the real and tangible offences of beersellers are less in number.

4153. You mean that they are principally for transgressing hours?—Yes.

4154. One recommendation which you have made as to security for good conduct is a bond; and that whatever the bond might be given for, it should be actually forfeited; whenever a conviction took place which involved the loss of the licence, it should be a forfeiture of the entire security?—I know many beerhouses in town and in the country, but I never knew a bond forfeited.

4155. Do you intend to recommend to the Committee any alteration in the present system; namely, a pecuniary penalty for the first offence and for the second offence, and a forfeiture of the licence for the third offence?—When the forfeiture of the licence takes place under the present law, the forfeiture of the bond should be consequent on the forfeiture of the licence.

4156. Mr. *Brown.*] You heard the question put to the last witness as to the value of bonds, provided they were really put in force in case of need?—Yes.

4157. In your opinion would they be valuable if they were put in force in case of need?—I would have them put in force; the uncertainty of the law makes more evil than is contemplated.

4158. You spoke of depositing a sum of money equivalent to the value of the house, which should be in the shape of caution money?—I meant as a positive charge for the first licence only; when I said it was to be deposited, I meant that the party applying for a licence should deposit this sum of money; if the licence was not granted, then the sum of money should be returned, but if it were granted, then the whole would go to the revenue.

4159. Would you allow transfers at all, or would you expect each individual

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who sought a transfer, to take a new licence, to pay a sum of money equal to the original sum, and to give bonds in his own behalf, before there should be any transfer?—There would be transfers in the case of removals, deaths, and other things of the like kind.

4160. In the event of a house being pulled down, probably you would grant a transfer in that case; but would you compel every new occupant who took possession of the house to take out a new licence?—I think he might; I would rather leave it to practical working, inasmuch as he would have his licence for twelvemonths in the house he was going to; the saving of a part of the price of the licence, is only of consequence to the out-going party. I should say, as the expenses are heavy he might take it for six months, and transfer his licence without any fresh payment for that period only; the one coming in would have his licence for the twelvemonth, and to him it would make no consequence at all.

4161. Do not you think, if proper security were taken, that the public themselves would ascertain much better what they required in the way of places for the sale of refreshment and drink, than allowing a discretion to the magistrates to determine how many houses should be licensed, and how many not?—I am sure that would be much better.

4162. And would prevent any imputation of improper influence upon the magistrates?—Of course. I believe many magistrates feel disgraced by the insinuations and charges made against them.

4163. *Chairman.*] Do not you think a great many magistrates wish to be relieved from this unpleasant duty?—Yes.

4164. Mr. *Barrow.*] Do you believe it would be proper that any neighbourhood should be subject to have a beerhouse opened?—If I were going to make a new law upon the subject, I would have a control over the beerhouses and public-houses in the first instance; there is already a check, although I do not think it is sufficiently known, against granting beer licences or public-house licences, that the ground landlords have the power to put a condition in the lease, that there shall not upon certain portions of the property be a public-house or beerhouse at all. I would give permission to a man to take out a licence for either a public-house or a beerhouse, but subject to a power in the neighbourhood to put in a caveat against its being granted, and that if the neighbourhood felt there was no necessity for a beerhouse or a public-house, the case should be heard before a jury in the neighbourhood, and by them be decided; I would restrict the number by local opinion, and not by any caprice on the part of any one.

4165. *Chairman.*] You would have no objection to police regulation?—Certainly not.

4166. Mr. *Barrow.*] You would propose to leave the power of granting licences rather to the verdict of a jury than to the decision of a bench of magistrates?—Yes. I am sorry to find a thing which the beer-sellers, and I believe I may say the licensed victuallers, deeply regret, that is, the increase of penny and twopenny places of admission for different little miserable sights of various kinds, demoralizing in their effect; I do not mean the concerts, because I see no harm in a song, whether in the parlour or the taproom, but in Whitechapel, and one or two other places round London, there are all sorts of places open, where the house has not a licence, and sometimes the man adds a beer licence or another licence. I am sorry the law does not prevent a man from having any such thing; I mean having a licence to take out these shows, because they have an immoral tendency. I am not finding fault with the landlord of a properly conducted place, but there are low scenic representations in some houses. I went into one house to see the performance, but I left before it was half over, quite sick of it.

4167. Lord *D. Stuart.*] What was the performance?—A sort of posturizing and tumbling. In my opinion, the beer trade would feel purified if parties were not allowed to open such places.

4168. Mr. *Brown.*] Assuming parties wish to open a beerhouse or a spirit-house on a hill side for the purpose of harbouring poachers, or the like, where there was not a sufficient population to give it a business, or to place such a house beside some gentleman's mansion in Belgrave-square, which the magistrates thought was an improper place to grant a licence to; or assuming that it is not so objectionable a place as Belgrave-square, would it not be right that the parties so applying should have the right of appeal to some one to say whether it was a proper place for a public-house or not?—I think you would stop a great many houses in rural districts, in which I believe the sale of beer is the last object the party

party has in view, if the neighbourhood were allowed to have a caveat against the licence by a jury. It would be more effectual in repressing such houses than any legislation which can be obtained. I have heard it said that certain characters ought not to be allowed to keep public-houses. I beg leave to have a word upon that subject; it is a subject which was discussed some years ago when the question was before the Legislature. I had to wait upon the Marquis of Salisbury, who took an interest in the subject, as he thought it should be a matter of disqualification if persons had been convicted of crime, such as poaching, and other things of that kind. I was induced to yield to the observations of his Lordship to draw out a clause for the purpose of inserting into the then proceeding Bill.

4169. *Chairman.*] Had the Marquis of Salisbury the charge of some Bill for the amendment of the Beer Act?—No; the Marquis of Salisbury thought of introducing a clause when he took this objection. Another noble Lord sent for me, namely, Lord Monteagle, to know how I came to set myself up to doubly punish a man who had committed an offence, and had undergone his punishment, by preventing his having the means of taking a public-house. His Lordship said he came into society a new character, and he ought therefore to have the same privileges as another man. I only know that we have been obliged to keep quiet upon that point ever since.

4170. Then the clause was not carried?—I believe it never appeared in the Bill.

4171. Mr. *Brown.*] Assuming that the inhabitants of any neighbourhood protested against the establishment of a public-house, and that a beerseller or public-house-keeper pressed for it, either party feeling himself aggrieved might have the right of appealing at the court of quarter sessions, to say whether the house shall be established?—I would give both parties a fair and equal chance. The beersellers are equally anxious for another alteration of the law, that no person who by reason of misconduct has lost a spirit licence, shall be eligible to take out a beer licence. I would recommend that a person who has been convicted of misconduct, and has lost his licence, should not be allowed to take beerhouses; cases have occurred where such men have taken a house immediately under the very nose of the magistrates, and laughed at them with impunity.

4172. *Chairman.*] You think that if he had misconducted himself in a public-house, he might do the same in a beerhouse?—No doubt.

4173. You would not exclude a man who had been punished for poaching?—Certainly not, if his after character is improved; we have no right to shut him out.

4174. Mr. *Gregson.*] You have stated that the possession of a licence gives an additional value of 1,500 *l.* to a house; does not that give rise to some speculation?—I meant in that particular case; the general opinion is, that about 500 *l.* is added to the value of ordinary public-houses by a licence. I separate in my own mind public-houses from what we consider taverns and hotels, which is a superior class altogether. I believe where the house is simply licensed as a public-house, in most instances a brewer would step in, and give 500 *l.* additional; it is made a speculation the moment a man gets it. If a return were procured, showing how many licences had been granted for the last 10 years, and how long they have been retained by the persons to whom the licences were granted, it would afford some valuable information upon that point.

4175. In consequence of the enhanced value of houses from having licences, you think there is speculation going on?—There is a double speculation; not only the thing itself becomes of additional value, but care is taken to prevent another person getting a licence.

4176. Is beer brewed on the premises in many free houses?—In very few in London; in Hampshire and Warwickshire it is very general.

4177. Is the reason because the premises are not sufficiently extensive, or because the capital of the tenants is inadequate?—No; I believe in 1824, when the Act of Parliament first permitted persons to brew their own beer, a number of places started in London, but they were mostly unsuccessful, from the smallness of their premises. There is another difficulty to surmount, and that is, that beer equires to be brewed in a large quantity in order to produce that quality which is most prized, particularly in porter. It is immaterial how anxious a man may be to brew good porter, he will not produce that article which is so much prized by the working men of London, with limited means; it has not that particular smack upon the palate.

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4178. *Chairman.*] Is it not porter particularly that is adulterated?—You must not adulterate ales; they are hardly ever adulterated, except by an admixture of inferior and superior together; the porter is the article which is adulterated in so many instances.

4179. Mr. *Brown.*] Is there not a great anxiety amongst a certain class, namely, gentlemen's servants, to open beerhouses if they accumulate a little money; would it not make those people more cautious not to risk the little capital they have accumulated, if they had to pay down for the licence a sum equal to the annual rent of the house?—Yes.

4180. Mr. *Barrow.*] Did you say that you would make the first licence equal to the annual rent of the house?—I was explaining that I once saw a bill of that kind.

4181. Do you think the fact of having to pay a considerable sum down for the first licence would operate as a caution to such parties not likely to embark in pursuits in which they have no good reason to believe they could get a living?—Yes, that would apply to new houses.

4182. Or to new licences?—Yes, to new licences.

4183. And the payment not again to apply to the same party?—No.

4184. One of your securities against an extravagant increase of licensed houses would be the increased sum to be paid by the applicant?—Yes, and the local voice in the matter.

4185. Mr. *Gregson.*] You have alluded to some fees which you say were paid to subordinate agents of magistrates?—Yes.

4186. Do you know of any cases?—Yes; I know of one in which several names were written down, against one a 50 *l.* note, and the others 10 *l.* each, that if those were sent in blank papers, and directed to the ladies, and not to the magistrates themselves, he would have his licence.

4187. To whom was that said?—It was to Mr. Dyke, and the person who called upon him was Mr. Thwaites.

4188. Mr. *Brown.*] Were those notes sent?—No; when Mr. Dyke told me, I cautioned him against doing anything of the kind.

4189. Mr. *Gregson.*] Do you speak this of your own knowledge?—Mr. Dyke told me.

4190. *Chairman.*] Therefore you are only saying what Mr. Dyke has told you?—Yes; he distinctly told me that Thwaites had been there, with his suggestion or advice; I advised him to do nothing of the sort.

4191. Mr. *Gregson.*] Do you know the party who called upon Mr. Dyke?—Yes.

4192. Lord *D. Stuart*] Was Mr. Dyke applying for a licence?—Mr. Dyke had applied for several years without being successful; he subsequently died.

4193. Mr. *Gregson.*] When did this take place?—About 1833 or 1834.

4194. *Chairman.*] You say that he never did obtain a licence?—No

Mr. *Thomas Harwood,* called in; and Examined.

Mr. *T. Harwood.*

4195. *Chairman.*] I BELIEVE you keep some place of public amusement near Whitechapel?—In Shoreditch.

4196. How long have you kept that house?—Two years.

4197. Will you explain to the Committee what your house is?—It is a large hall; it is a place capable of holding 500 persons. I had reason to believe that I could establish some amusements which would instruct the people. Perhaps it would be as well, previous to going into the matter, to explain my views, and it may save some trouble to say, that I know nothing of the licensing system; I do not understand the system. Whether it would answer the purpose of the Committee to give me a hearing, I do not know.

4198. I understand that you keep some place of public entertainment; those places are referred to the consideration of the Committee, with a view of ascertaining whether they ought to be under the control of the magistrates or the police?—I had been in business for 22 years, during which time I had not been idle or wasteful; I was about leaving business, and it always struck me that the working classes could have a better description of recreation, supposing a person would speculate sufficiently largely, and give the recreation at a low price. I met with a gentleman of the name of Burroughs, and an artist named Fenton, and we engaged the hall that I have, being a place where classes of different

descriptions

descriptions had been carried on; such as dancing and music, and certain branches of literature, during the week evenings. That hall fell into my hands, and I reduced the price of the entertainment to suit the means of the working classes, and I have succeeded in it.

4199. What description of entertainment do you give?—We exhibit panoramas similar to those in the Egyptian Hall; I bought a lease of larger premises even than those, and in 18 months I have had nearly half a million of persons in, and only two cases where I have had to give any one into the custody of the police; we never have a case of disturbance; it is conducted as orderly as a chapel; there is no disturbance at any time.

4200. Of what nature are the panoramas?—They are panoramas making the working classes acquainted with almost all the countries in the world.

4201. Do they pay at the door for admission?—Yes; I have no licence.

4202. Mr. *Brown.*] How much is the price of admission?—Twopence and 1*d.*; although the price is low the exhibition is superior; I have a large painting room, and I employ artists; I suppose in the two years that my exhibition has been opened I have expended 500*l.*, and it has paid me very well.

4203. *Chairman.*] Is there any singing or dancing?—No.

4204. Are any concerts given in the course of the week?—I am not allowed to give concerts; I had the signatures of every officer in the parish for a music licence last October; but there was an omission in the application; notice had not been given the clerk of the magistrates.

4205. Are there any refreshments sold at all in your hall?—No.

4206. Is there any public-house in the neighbourhood?—Yes.

4207. Is any inconvenience experienced from this exhibition from a number of persons coming out and going to the public-house?—Not the slightest; we have working men who will bring their wives, and perhaps four children; they go to the lower part and give 6*d.*, and they are instructed and amused. If it were not for this place, in all probability the man would be at the public-house, and spend a shilling or more. I do not object to public-houses as places for refreshment, or for a tradesman to spend his hours of relaxation; but I object to the great attractions which are given at those places as inducements for men to spend considerably more than they are at liberty to do without distressing their families.

4208. To what attractions do you refer?—Concerts and balls and that sort of thing.

4209. Lord *D. Stuart.*] Have you music at your exhibitions?—We are allowed a piano, but nothing more; it is considered a lecture.

4210. *Chairman.*] What you object to is the connexion between concert rooms and public-houses?—Yes; I took this as an experiment; of course I expected to be remunerated, and I have realized all my expectations. I desired to give the working classes a superior description of entertainment, and I firmly believe that there are plenty who would do the same sort of thing.

4211. Your opinion is that if the people are left to themselves they do not prefer entertainments of a sensual kind?—They require to be attracted first; they only require to see it to become a different class of persons. In my experience, in upwards of half a million of persons, I have found a low, vulgar, careless drunken man grow into a respectable man, and bring his wife and family clean and comfortable to my exhibition.

4212. You are speaking of a change in the habits of the people?—Decidedly. I believe if the mental and moral capabilities of the people were encouraged by such entertainments as these, I could afford to pay men of talent 10*l.* a week, and to have the best description of talent if I was allowed to do it. I find where a man's mental and moral capabilities are developed, he becomes a better father and a better husband, and he becomes more industrious; but if he loses that self-pride of which he ought to be in possession, he becomes careless, and sots about in taprooms. I do not admit a man into my place dirty and filthy; we refuse him admittance if he has the appearance of being a bad character; this is the only thing we have to contend against. The police have given me a sworn officer, but he has nothing to do, because the place is so thoroughly well conducted. The Committee will understand that I might manage my place so that it would be a disgraceful place. We have the most respectable men in the parish occasionally sitting with the humblest men in the parish, and there is no distinction in the behaviour; the only distinction is in appearance and dress, and the two different places which they occupy.

4213. Are your observations intended to show that there is no occasion to

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place such entertainments under any restriction?—The superintendent of the police was with me other day, and I said, "I do not see any of your men come into my place;" he said, "We have given instructions that they may go whenever they please; but we have found your place is so well managed that we only order them to come at least once a week;" what I would go for, is to suggest something by which places of this description should be sanctioned if the representations were proper, and the places were rightly managed; if the more respectable part of the parishoners would put their signatures to establishing such a place; the difficulty is obtaining a music licence.

4214. Is there any difficulty in getting that?—Yes; if I were to apply with all the signatures in the parish, there would be other petitioners against me, although I was not going for a theatrical performance.

4215. Is the granting of a musical licence in the discretion of the magistrates?—Yes; the proprietor of a theatre steps in, and possibly prevents the party obtaining a licence.

4216. The chamberlain would not interfere with your licence for music, but merely the proprietors who had got lower places of entertainment?—I do not say that they would; the chairman of the magistrates regretted that I could not obtain mine, which was, perhaps, the most essential to be licensed, but having neglected to leave notice with the clerk of the magistrates, I could not obtain my licence.

4217. I understand you have found it difficult to get a music licence, and you wish to suggest to the Committee how that difficulty should be remedied, inasmuch as those places are useful?—I should suggest that the magistrates on the bench should have the power of granting a licence, or that the Excise should have the power, by a man paying for it, if the place were proper, and proved to be beneficial instead of injurious.

4218. You have had great experience of the working classes, and you say that these licences, if they are granted at all, ought to be granted with great facility?—Yes; we have men going about London now, who, without notice, can apply to distrain on your goods or chattels if you should draw a bow across a violin, and there is a 100*l.* penalty for each offence.

4219. That is the law as at present; you mean that there are informers?—Yes, under the 25th of George the Fourth, which will allow any one to take advantage, however much the parish might object to him and sanction you; he has the power of stepping in to inform against you.

4220. Mr. *Gregson.*] What number of persons will this hall contain?—From 500 to 600.

4221. Is it generally filled?—Sometimes four or five times in the evening; it takes an hour to show the panoramas, and we sometimes exhibit four or five times.

4222. Mr. *Brown.*] Your object is to show that promoting such establishments as yours would have a tendency to improve the morals and habits of the lower orders of the people?—I am certain of it. I quite believe what Dr. Hudson said, in answer to question put to him, that where intellectual entertainment was given, a less quantity of intoxicating drinks would be taken.

4223. Mr. *Gregson.*] You say that your exhibition lasts about an hour?—Yes; they have a day exhibition at the Egyptian Hall; but we have it all the evening.

4224. Mr. *Barrow.*] What object have you in view in getting a music licence; do you intend to have songs?—Yes, I should illustrate each panorama with the manners and customs of the country it represents, including singing, as a sort of greater attraction.

4225. Mr. *Brown.*] Some information has been given to the Committee about indecent songs being sung at some places of entertainment?—I would not allow one; I do not know that I should have any at all.

Veneris, 17° *die Junii*, 1853.

MEMBERS PRESENT.

Mr. Villiers.	Mr. Lowe.
Sir George Grey.	Mr. Gregson,
Mr. W. Brown.	Sir G. Goodman.
Mr. Barrow.	Lord Dudley Stuart.
Lord Ernest Bruce.	

THE RIGHT HON. C. P. VILLIERS, IN THE CHAIR.

George Wolstenholme, Esq., called in; and Examined.

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4226. *Chairman.*] YOU reside at Bolton, and are a Magistrate in that town?—I am.

4227. How long have you been so?—I have been three years a magistrate. I am a medical man, and have resided in Bolton perhaps 30 years, and have practised there.

4228. Have you acted as a magistrate since you have been in the commission?—Constantly.

4229. Have you had any opportunity of observing the system that obtains there, with respect to granting licences to public-houses?—Yes.

4230. Have you attended when applications have been made, and licences granted?—Yes.

4231. What rule do the magistrates observe there with respect to licences?—Since I have been a magistrate no additional licences have been granted, except one to the railway station; the conclusion is, that we had enough. There have been none others granted during several years.

4232. Have there been any applications during the last four years?—Many; 12 or 15 every year.

4233. And the magistrates have refused them all?—Yes, in every instance, except to the railway station.

4234. And being a magistrate yourself, and acting with them, you state that the reason assigned is, that they consider there are enough of those houses in Bolton?—We do think so.

4235. Have you been of the same opinion as your brother magistrates?—Quite; we have been almost unanimous upon that subject.

4236. What has determined your opinion in that respect; what is the condition of Bolton, which makes you think that there are public-houses enough?—I think there are quite enough for the wants of the public, and to grant more would only be an injury. With an increase of public-houses there is, generally, an increase of drinking.

4237. What rule is it which has guided the magistrates in concluding that there are public-houses enough, seeing the number of applications that have been made?—The rule is, our opinion, from the general knowledge that we have of the borough.

4238. Has the population been increasing?—Yes; and there has been a great increase of beerhouses, although not of licensed houses.

4239. Is that, then, a circumstance that has been taken into consideration, that during the last four years there have been Excise licences taken out by beerhouses?—No doubt.

4240. Have you had a report made upon the number of those houses before you decided?—Constantly.

4241. Sir *G. Grey.*] What is the population of Bolton?—Sixty thousand.

4242. What is the number of licensed public-houses?—I believe it is 118.

4243. And how many beerhouses?—Two hundred and one beerhouses. That paper I received from the head of the police the day before I came, and that is an accurate statement.

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4244. From the last five years, from 1849 to 1853 inclusive?—Precisely.

4245. *Chairman.*] Do you put in this statement to prove what you have said, that beerhouses have been increasing, while public-houses have been almost stationary?—Yes, this is a return of licensed victuallers and beer-sellers, selling on and off the premises in the borough of Bolton from 1849 to 1853:—

DATE.	Licensed Victuallers.	Beer-houses Selling on the Premises.	Beer-houses Selling off the Premises.
1849 - - - -	116	179	12
1850 - - - -	117	163	9
1851 - - - -	117	178	8
1852 - - - -	118	182	6
1853 (14th June) - -	118	201	5

4246. Since and including 1849, until after the licensing day of 1853, there has been no greater difference than 116 and 118?—That is all in the licensed houses.

4247. Have you found that any evil has arisen from the increase of the beerhouses?—I think so.

4248. What is the evil?—The number of drunken persons, and the number of cases brought constantly before the petty sessions.

4249. State what connexion there is between the persons who have been brought before the petty sessions and the number of the beerhouses?—I will state as a fact, that yesterday week I was on the bench myself, and out of about 40 cases, more than one-half were cases arising from drunkenness.

4250. What is the connexion between the beerhouses and the drunkenness?—We have them constantly brought up coming from the beerhouses. I have opportunities of constant observation. I go very much about, and from my own observation I can speak, that the more beerhouses there are, the more persons there are habituated to drunkenness; I think every house is a trap to induce others to go.

4251. We want to know upon what data you proceed, because that might be a speculation of your own; what evidence have you that the people who have been brought before you have got drunk at a beerhouse, and not at a licensed victualler's house?—There are more cases of complaints of the conduct of beerhouses than there are complaints of the licensed victuallers' houses. I think one is conducted better than the other.

4252. Now are you speaking of the informations laid before the magistrates for offences by the beer-sellers?—Yes.

4253. That is a different question from the one as to where the person who comes before you as drunken has got drunk; have you any certain data on which you can found an opinion that people get more drunk at the beerhouses than in the licensed victuallers' houses?—The head of our police states that the majority come from beerhouses.

4254. You have no information of your own on that point?—No written report.

4255. Sir *G. Grey.*] Does drunkenness arise more in Bolton from drinking spirits than from drinking beer?—I think the great majority of persons get drunk from drinking beer.

4256. Do you mean the Committee to understand that drunkenness has been increasing in Bolton?—In my opinion it has.

4257. Within what period?—I think it is constantly increasing, particularly now, as times are good.

4258. The evidence which the Committee have received from other large towns is, that, times being good, drunkenness has decreased; can you state whether, with the improved physical condition of the people, drunkenness has increased?—I think that drunkenness increases with the improved condition of the people.

4259. Do you mean to say that the number of persons brought up for drunkenness is greater now than it was formerly?—I think that paper will show.

4260. *Chairman.*] According to that, there seems to have been a gradual decline,

since

since 1849, in the persons who are taken up?—That is only one portion; one portion is for eight months.

4261. In 1850, there are 1,040; and in 1851, 883?—Yes.

4262. Sir *G. Grey.*] In 1846 there were 879 persons; and in 1849, 626; that was a considerable decrease?—There was great distress and want of employment at that period.

4263. Then that increased again in 1850, and decreased in 1851?—I think there is an increase at present, from my observation.

4264. Has there been any change in the police during that period?—The police are about the same; I think they have increased three or four lately.

4265. Has there been any increased efficiency on the part of the police, or any new regulations with respect to apprehending persons?—I think they are much the same.

4266. Mr. *Barrow.*] When you say that you have so many cases of drunkenness brought before you by the police, are we to understand that no inquiry is prosecuted as to the places in which the drunkenness has been committed, or that you have no means of knowing whether the drunkenness has arisen in the public-houses or the beershops?—Most frequently the cases that are apprehended simply for drunkenness, are people found reeling in the streets.

4267. Do the police never carry their inquiry any further to ascertain where that state of drunkenness has been committed?—I have no doubt they can.

4268. It does not come before you?—It does not come before us except it is a special complaint.

4269. *Chairman.*] You know nothing necessarily about where a man gets drunk?—We do not inquire that; we know nothing about that.

4270. The great majority of them might be at the licensed victuallers' houses?—Yes.

4271. Sir *G. Grey.*] It appears from this statement, that in 1850 there were 1,040 people taken into custody for drunkenness; and in 1851, 883; is not that a considerable decrease?—Yes.

4272. And in eight months of 1852 there were only 487, which, if that proportion were to continue throughout the year, would show a further decrease in the year 1852; how do you reconcile those figures with the opinion that drunkenness is on the increase in Bolton?—There may have been less activity in the police; but I feel that there is not any essential decrease in drunkenness.

4273. *Chairman.*] You have no doubt of the increase of population in that time?—Certainly it is increasing.

4274. Mr. *Lowe.*] There was also an election at Bolton?—Yes.

4275. Which would be included in that eight months for which the return is made out?—Yes.

4276. Do you mean to say that persons were not taken into custody at that time?—I do not think they would be so strict at the time of an election.

4277. Lord *D. Stuart.*] You do not think there was less drunkenness?—No.

4278. *Chairman.*] You stated just now that convictions of beerhouses were more in proportion than the convictions of the licensed victuallers?—They are more in number; I did not say they were in larger proportion.

4279. Did you not state there were more complaints against beerhouses than against licensed victuallers?—I think there are; there is a larger number of complaints entered in the books; and the complaints against beerhouses are more in number than against the licensed victuallers.

4280. You know nothing of the proportion as to whether they are greater?—I cannot speak to that.

4281. As a magistrate, what are the offences for which the informations are laid against the beer-sellers?—For allowing their houses to be open, most frequently, on the Sunday, after 12 o'clock on Saturday night; those are the offences most frequently brought before us.

4282. Is that a case in which the beer-sellers offend more than the licensed victuallers?—I think they do.

4283. Sir *G. Grey.*] Are beerhouses allowed to be open till 12 o'clock at night?—Eleven o'clock is our regulation; the public-houses 12 on Saturday night.

4284. *Chairman.*] You stated that you did not know that the offences were greater in beerhouses in that respect than the licensed victuallers, keeping their houses open on the Saturday night after the time prescribed by law?—No.

4285. Sir *G. Grey.*] Is that a frequent ground of complaint against the licensed victuallers, that they keep their houses open after 12 o'clock on Saturday night?—I think, on the average, we have two or three complaints every week; there were three or four last Thursday when I was there.

4286. The question has reference to licensed victuallers?—Yes, both.

4287. *Chairman.*] Are there many of these beer-sellers convicted; do you convict them of other offences?—No, I am not aware that they are convicted of other offences, except of violating their licences.

4288. Are there any convictions of the licensed victuallers?—No, I think there is no case of that sort; no criminal offence.

4289. Sir *G. Grey.*] Do you mean to say that the only class of offences of which either licensed victuallers or beerhouse-keepers in Bolton are convicted, speaking generally, is keeping their houses open at illegal hours?—Yes.

4290. Is it not the case that the licensed victuallers may, except on Saturday night, keep their houses open the whole of the night?—They may do.

4291. The beerhouses cannot keep open legally after 11 at night; and wha time do they open in the morning?—They open at five in the morning.

4292. Therefore the offence which may be committed by the beerseller, of keeping his house open after 11 at night, is one which is no offence at all in the case of the licensed victualler?—Just so.

4293. Would not that account for the increased number of convictions of beer-sellers as compared with licensed victuallers?—I think they are not often brought up, except on a breach of the Sabbath-day. Those are the occasions; the having their houses open for the sale of beer on the Sunday.

4294. You said you had only two or three informations per week against licensed victuallers for keeping their houses open on the Saturday night?—I cannot make a distinction between licensed victuallers and beer-sellers.

4295. Against which class were the informations most frequent for keeping their houses open on the Saturday night?—I cannot state the proportion; there may not be any difference.

4296. *Chairman.*] Now, three years ago, the magistrates determined not to license any more public-houses?—Since I have been a magistrate, they have come to that conclusion; that is three years ago.

4297. Do you know what was the case before that time; were they as strict as that?—Not quite as strict, I think.

4298. Was there any rule observed then; was it uncertain whether a man would get a licence or not?—It was rather uncertain.

4299. Do you know anything of the practice of granting licences before you acted as a magistrate?—Several years ago there was a batch of licences granted, but the magistrates then were all of one political opinion.

4300. Sir *G. Grey.*] Were the licences granted also to persons of one political opinion?—Yes, I think I can say that they were, except in one instance.

4301. Do you mean to say that political considerations influence the magistrates in granting licences?—They were granted.

4302. *Chairman.*] Has there been any change in the Bench since then?—There has.

4303. In what respect?—There is a mixture now of gentlemen of different opinions.

4304. And since that time there has not been the same impression in the town that there used to be, that politics had to do with the granting of licences?—I think they are perfectly satisfied that politics have nothing to do with it now.

4305. Why is that?—Because I believe we act impartially and fairly.

4306. Is it always certain what magistrates will attend?—On the licensing day the whole body are summoned, and generally seven or eight attend.

4307. And the same?—Not necessarily the same, but a full attendance; the majority of the magistrates attend on the licensing day.

4308. Sir *G. Grey.*] You have granted no new licences; have you refused to renew any of the old licences?—We have suspended, but not refused.

4309. Then you do not refuse to renew a licence, although licensed victuallers are informed against for keeping their houses open at illegal hours on a Saturday night?—The practice is to suspend, not to deprive.

4310. How long do you suspend?—Two or three months, and then renew to a new tenant.

4311. *Chairman.*] Do you deprive the person of his licence?—Yes.

4312. Can the new person have a licence till the next licensing day?—The licensing day is generally adjourned for a month or six weeks.

4313. During which time there is a suspension?—Yes.

4314. Sir *G. Grey.*] Is the house shut up between the period of the licensing-day and the day for which the adjournment is fixed?—No.

4315. *Chairman.*] Does not the house belong generally to the person who has the licence?—Scarcely ever.

4316. To whom do the houses generally belong in Bolton?—A great variety of persons.

4317. Do any of the magistrates own these houses?—Yes, several; three or four of them, I think.

4318. Are they brewers?—Not any of them.

4319. Sir *G. Grey.*] Are there many houses in Bolton owned by brewers?—There are several owned or leased by brewers.

4320. *Chairman.*] Is it an advantage to these houses that there are no more licences granted?—Yes; it is so far an advantage that there is no more competition.

4321. Do the magistrates, who own the houses, attend at the time of licensing?—Yes, in some instances I think they do.

4322. Mr. *Lowe.*] Do they brew their own beer in those houses?—Some do, and some do not.

4323. In what proportion?—I should say that two-thirds employ the public brewer.

4324. And one-third are what are called free houses?—I do not think they are under the influence of brewers; there is very little influence exercised by the brewer.

4325. If the houses belong to the brewer, does not the brewer supply the beer exclusively?—There are very few instances where the brewer owns houses.

4326. What is the distinction you draw between the two-thirds and the one-third?—Two-thirds buy their beer of the public brewer, and one-third brew their own.

4327. Of those two-thirds some are free houses; that is, the occupiers of them are at liberty to get their beer where they please?—Certainly.

4328. *Chairman.*] Who appoints the police in Bolton?—The watch committee of the corporation.

4329. And you depend on the evidence of the police for information against the public-houses?—Yes, certainly.

4330. Are there any on the watch committee who own these public-houses?—I think not.

4331. Only on the bench?—Only on the bench.

4332. Are there not some of the magistrates on the watch committee?—No.

4333. Are there any brewers on the watch committee?—Not any.

4334. Sir *G. Grey.*] What is the number of police in Bolton?—I think 25.

4335. For a population of 60,000?—Yes.

4336. Do you think that that is sufficient to exercise a vigilant superintendence over these licensed victuallers' houses and beerhouses?—I think, on the whole, they are efficient.

4337. That is, for duty both for day and night?—Yes.

4338. *Chairman.*] Do the magistrates own any of the beerhouses?—I cannot speak to that.

4339. Is it peculiarly among those magistrates who attend to licences that there is this feeling that there are enough public-houses, and that the increase of public-houses would extend too readily?—I have no interest in any public-house, and several others are in my position; and I think we are the strongest against granting additional licences.

4340. Sir *G. Grey.*] Are many of these public-houses what are called gin palaces?—Several.

4341. What proportion?—I should say there may be 20.

4342. Selling almost exclusively spirits, and without any room to sit down in?—Yes; I should say from 12 to 20 of that description.

4343. Do the magistrates object to grant a licence to a house used in that manner?—We do not think we have the power of making a distinction.

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4344. Mr. *Lowe.*] Would anything be gained by raising the rate of houses used as beerhouses?—Yes, it would make them more respectable.

4345. What rate should you fix?—It is now 15*l.*; I should raise it to 20*l.*

4346. Sir *G. Grey.*] In the year 1837 it was raised from 10*l.* to 15*l.*?—Yes.

4347. Has that had any effect in diminishing the number?—Yes, several were disqualified; since then they have got larger houses, or two houses have been attached to each other.

4348. Therefore, although there was a temporary decrease, there has been a subsequent increase?—That is the case. I think it would be a great improvement if the magistrates had the power of licensing the beerhouses. There is one instance I can speak to, where I think it is a great abuse; a very disreputable house; the person has been fined several times, and twice committed to gaol.

4349. Is this a beerhouse?—A beerhouse; it was also used as a brothel. The son-in-law then got the licence transferred to him; he was punished, I think, and went to gaol, and then the father came out again. He was brought up again, and we committed him to gaol for keeping a brothel, for which we have powers under the local Act.

4350. *Chairman.*] You did use those powers?—Yes, I was the party who committed him for a month.

4351. Sir *G. Grey.*] How often was the keeper of that house convicted?—Three or four times.

4352. Are you aware of the provisions of the law which gives the magistrate the power to adjudge that the house shall not be used for the sale of beer for two years?—Yes.

4353. Was it exercised in that case?—It was.

4354. How was another person able to get a licence for that house?—The Excise can grant a licence to another person.

4355. Was that adjudication known to the Excise?—Yes, I spoke to the supervisor; he said he could not help it.

4356. Did you point out the clause in the Act of Parliament which made it illegal?—I did not.

4357. What was it he said he could not help?—He said he was bound to grant the licence if the parties applied with the certificate of the overseers.

4358. Did you not point out to him the provision in the Act of Parliament which enacts that if there is a certificate from the magistrate, it shall not be lawful for the Excise to grant the licence?—I think that was not communicated; we had intimated to the Excise that they should not do it, but I had the impressionthat we had not the absolute power to do it; it was suspended, or the licence was withdrawn for five or six months, and it is now re-licensed simply on the certificate of the overseers.

4359. *Chairman.*] Do you know whether any notice was formally served on the Excise that this house should not receive its licence?—I should rather think there was a notice.

4360. You were understood to state that you apprehended there were not sufficient powers?—I understood they would act on our recommendation; I cannot speak quite as to the positive legal power.

4361. Do you know that there was a notice sent to the Excise that this man should not have his licence?—Yes, I can say that I do know it was sent; I have no doubt it was sent by the police; and I complained to the supervisor within a week last past, personally; he said he was very sorry, and he could not help it.

4362. Did you ever read the Act?—I have not read the whole of it.

4363. Do you know whether any of the magistrates have read that clause which requires them, after a second, and upon a third conviction, to notify to the Excise?—I think it is permissive, not compulsory.

4364. Sir *G. Grey.*] The words are taken from the 1 Will. 4, c. 64, s. 13, which says, "And it shall be lawful for the justices before whom any such conviction for such third offence shall take place to adjudge, if they shall so think fit, that such offender shall be disqualified from selling beer by retail for the space of two years next ensuing such conviction, and also (if they shall so think fit) to adjudge that no beer shall be sold by retail by any person in the house or premises mentioned in the licence of such offender." There is power, in fact, to suspend the licence for two years?—We have not acted on the second part of that clause.

4365. Why

4365. Why have not the magistrates acted on the second part of that clause, which appears to be framed so directly to meet the case you have put of a man being repeatedly convicted, and another person getting the licence for the house, so as to carry on the business in the absence of the person who had been so convicted?—I think such has been the custom; it has not been closely looked into; I shall take care to act upon it as far as we have the power to do so.

4366. The attention of the magistrates of Bolton has not been called to that provision of the law?—Not to that portion of it.

4367. *Chairman.*] Then increased control on the part of the magistrates would be of little advantage if they do not exercise the power which does exist?—That Act gives the power.

4368. Then is it for the sake of having that power that you would recommend the beerhouses to be put under more magisterial control?—There would be less facility in licensing houses if brought under magisterial control, instead of going to the Excise to receive it as a matter of course.

4369. Sir *G. Grey.*] Do you mean being brought under the same control as to the licences that the licensed victuallers now are?—Yes.

4370. Do you think they should be granted at the discretion of the magistrates?—Yes.

4371. And revokable at the discretion of the magistrates?—Yes.

4372. *Chairman.*] Do you think that the magistrates should own these houses themselves?—I think it undesirable.

4373. Do you think it would lead to fewer beerhouses being licensed than perhaps the wants of the districts would require if the licence was put into the hands of the magistrates?—If a proper selection of magistrates were made, it would not be so.

4374. Sir *G. Grey.*] What is the number of borough magistrates at Bolton?—About 10 or 12 who act.

4375. Mr. *W. Brown.*] You have stated that, sometimes, the impression was, that improper influence was made use of to induce the magistrates to grant licences; and since a change has taken place in the magistrates, that state of things has been prevented; now, is there anything in the nature of the case, by which you and other gentlemen can stem that current of favouritism, and prevent it again recurring in the system which is now adopted?—I think it is very desirable that the bench of magistrates should consist of gentlemen of different political opinions.

4376. There is nothing inherent in the appointment of these magistrates that secures that?—Except their sense of honour.

4377. It does not rest with the sense of honour of the magistrates, because the parties who appoint them are all of one political party, or all of another political party?—The party appointing for us is the Duchy of Lancaster, on the recommendation of the council; but I think we have a fair proportion of one and the other.

4378. But, as evils have existed, they might exist again?—Undoubtedly.

4379. *Chairman.*] And little more than four years ago there was favouritism shown on the Bench?—That is several years ago, and the magistrates at that time were all of one opinion. I think there is no favouritism now; it is fairly conducted, and there has been only one new licence in the last four years.

4380. Mr. *Barrow.*] Do the magistrates who are owners of public-houses attend on licensing-day regularly and indiscriminately with those who are not?—I think they do.

4381. And take no notice of the clause which prohibits magistrates having any interest in a public-house deciding on a licence?—I think they are not prohibited from signing it.

4382. There is an express clause, that a magistrate who has more than one public-house, shall not sign licence for that public-house?—I am certain they do sign them.

4383. Mr. *Lowe.*] You say that politics do not affect the motives of the magistrates now; do you think no other motives do, besides politics?—I think not.

4384. If an old servant applied, would not the gentlemen be more ready to grant it to him than to a stranger?—I would not, unless I thought the situation required it, or the public required it.

4385. Do you think the other magistrates would?—I can only answer for myself.

4386. When you say there is no favouritism, what does that mean?—I am

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certain, whatever favouritism they may be inclined to show, there being a full bench, no unfair conduct exists at present.

4387. Sir *G. Grey.*] As the practice of the magistrates of Bolton has been uniformly to refuse all applications, of course the applications have fallen off lately?—No, I think they have increased.

4388. Notwithstanding the uniform refusal of the magistrates to grant new licences?—It has kept increasing.

4389. *Chairman.*] Is that the determination of the magistrates, for future years, not to grant any more licences?—They judge each special case, and whether the locality seems to require it.

4390. Sir *G. Grey.*] Have these numerous applications been backed by memorials from the inhabitants of any place in Bolton in favour of opening a new public-house?—They can get a memorial up for anything; people do it as a matter of kindness.

4391. Do those memorials allege that they desire to have a new house licensed with a view to competition, and getting their beer cheaper, or what grounds do they allege in favour of the application of the person to obtain the licence?—The parties asking for it allege that they are respectable people, and that it would be convenient for the public to have an addition; that is the general allegation.

4392. Do the magistrates, when they receive a memorial of that kind, inquire into the facts, and satisfy themselves whether the public would be benefited by granting the licence?—We satisfy ourselves that there is a licensed house within a reasonable distance.

4393. And do you think it is undesirable to interfere with the vested interest in that house, or do you, on the ground of public convenience, think that no advantage would be derived to the public from opening a new house?—I think a great disadvantage will arise from the increase of houses. So long as I am satisfied that they are sufficiently numerous to guarantee reasonable refreshment, I shall object to any addition being granted.

4394. You think the public convenience would be purchased dearly by sacrificing the public morality?—I do.

4395. Mr. *W. Brown.*] Are you under the impression, that by refusing a licence you give a greater monopoly to those who enjoy them, and make the trade more valuable to them?—At present, the facility for getting a beerhouse is such, and the competition with the public-houses is such, that in many instances the beerhouses pay better than the licensed houses; the licensed houses are very much higher assessed, and some of the beerhouses do better than the licensed houses.

4396. You can sell the goodwill of a public-house; what is it worth in Bolton?—What do you mean by goodwill?

4397. One tenant going out and another coming in?—I think some of them are at a discount.

4398. Do you mean the public-houses?—Yes, some of them.

4399. Are none of them at a premium?—There may be a few.

4400. Sir *G. Grey.*] Do the application for licences chiefly come from keepers of beerhouses?—I think they are, almost in every instance.

4401. You have stated that you are of opinion that drunkenness arises chiefly from beer, and not from spirits?—I said more from beer than spirits.

4402. What injury do you think public morality would receive in Bolton from converting the beerhouses into public-houses?—My own opinion, as a medical man, is, that the drinking of spirits is more injurious than the drinking of beer. That is a matter of opinion only.

4403. But you think drunkenness in Bolton arises chiefly from drinking beer, and not from spirits?—I think all persons receive more injury from drunkenness by spirits than by malt liquor.

4404. *Chairman.*] There is a greater inducement for drinking beer from there being no spirit houses; do you think that the taste of the people is for beer, and not for spirits?—I think the taste for beer arises partly from its being a cheaper commodity.

4405. Sir *G. Grey.*] The inference to be drawn from that would be, that you are of opinion that a beerhouse is less pernicious than a licensed victualler's house, and that that is the ground why the magistrates refuse to convert a beerhouse into a licensed victualler's house?—I can only answer for myself, and state my own opinion.

4406. Mr. *W. Brown.*] Do you know that getting a licence is worth 200*l.* or 300*l.*?—I think if a house got a licence, it would augment its value 200*l.* or 300*l.*

4407. *Chairman.*] Does your experience enable you to suggest any further regulation of police with respect to all houses of this kind, whether public-houses or beerhouses, which would improve the mode in which they are conducted?—In addition to houses of all descriptions being closed from 12 o'clock on Saturday night until half-past 12 in the day, I should be very glad to see all public-houses closed on Sunday evening at nine, or ten at the latest. In my opinion that would be a great improvement.

4408. Have you any other suggestion to make for the ordinary conduct of these houses?—I stated that the magistrates seemed to have sufficient power; I am still of opinion if the magistrates exercise a sound discretion, either in licensing all beerhouses or withholding the licence, that it would be much better they should have to apply to a magistrate than go as a matter of course and receive it from the Excise-office; I think it would have a better effect in keeping them in good order.

4409. The question rather referred to police regulations; can you make any suggestion which would prevent offences from being committed?—If we could so far inspect public-houses as to punish them for giving liquor to persons who are already drunk, which I think is against the tenor of the licence, that would be a good thing; but that is the duty of the police.

4410. A suggestion has been made to this Committee by several witnesses, that the persons who are in the beerhouses at the time when there is an offence committed against the law by being kept open at improper hours, should be liable to penalties, as well as the beer-seller; have you any opinion upon that subject?—Does the question refer to parties drinking?

4411. Yes; that parties tempting the publican to serve them should be liable to a penalty, as well as the beer-seller himself?—I think the beer-seller should have the sole responsibility. I think he should not be tempted; he should have strength of mind to resist the temptation.

4412. Mr. *Barrow.*] You seem to consider that it would be a great object to ascertain and punish the beer-seller after the party was intoxicated?—Yes.

4413. Has this never occurred to you; to direct the policeman who has brought up those drunken people to pursue the inquiry where the individual became intoxicated?—I have, individually, desired the head of the police to try to trace such cases.

4414. Has that failed entirely?—It is only recently that my attention has been particularly directed to it.

4415. Is it a material part of the duty of the police to follow out those cases as far as possible?—I am afraid that the police, in many towns, are rather lax in their discipline.

4416. *Chairman.*] Have you what are called hush houses in your neighbourhood?—Yes.

4417. Places where spirits are sold, although they have no licence?—Beer generally, and, in some instances, spirits are distilled and sold.

4418. Are they in the suburbs of the town?—They are generally in some close situation, or some back situation.

4419. Do they exist to a considerable extent in Bolton?—Not to any considerable extent; but we have constant complaints. It is difficult to detect them, because you must prove that they have sold liquor or spirits. There have been one or two cases where the Excise have detected them recently; but in the case of the hush houses the punishment is for selling, and the police therefore find great difficulty in getting people to admit that they have bought at those houses.

4420. Do you know that a clause exists in the Illicit Distillation Act which makes all the persons found in the immediate neighbourhood of those places where illicit stills are kept, liable to a penalty?—I do not. I am not aware of that.

4421. Persons discovered in or about any manufactory, or assisting or concerned in the consumption, are to forfeit 30*l.*, and may be arrested by any officer of Excise, and brought before a justice of the peace?—I think that "in or about" must mean actually upon the premises.

4422. Do you think it would be advisable, if any such persons were found in the house, to make them equally liable with the person owning the house?—Yes, I do.

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4423. Would you confine it to the hush houses, and not extend it to the beer or public houses, where people are assembled and offending against the law?—I would not extend it to licensed houses.

4424. Do you think that that would be an improvement?—It might be.

4425. And tend to deter the commission of offences, which you say are so common in those houses, of drinking and keeping them open during the Sabbath?—Yes, during the hours they ought to be closed.

4426. Would you make everybody liable or guilty of an offence, who was found drinking in those houses?—In those hush houses.

4427. And in beerhouses also?—I feel a difficulty in answering that. I think a publican is told the condition of his licence, and he ought to be responsible for any infraction of the law.

4428. Do not you think that persons who are accessories to a breach of the law, by consuming on the premises, should be made liable to the same, or to any penalty?—It certainly would tend to a repression of the offence, I think, if it was so.

4429. Would it tend to diminish the offences?—It would.

4430. People would be more careful in going to the houses at those hours?—Yes.

4431. Sir *G. Grey.*] You stated just now that at Bolton the justices who were owners of public-houses took a part with the other magistrates in granting licences to those houses?—Yes, repeatedly.

4432. Will you look at the 6th clause of the 9th of Geo. 4, c. 61, and state whether the attention of the magistrates has been called to that clause?—I think the attention of the magistrates has not been very closely applied to that clause. I am certain that they do grant licences.

4433. Notwithstanding the provision of this Act, which subjects them to a 100*l.* penalty for so acting?—Yes.

4434. Is there any clerk to the magistrate at Bolton?—Yes.

4435. Is he a professional gentleman?—Yes.

4436. Has he never called the attention of the magistrates to this clause?—Never to my attention, or, to my knowledge, to the attention of the others.

4437. Have any of those public-houses at Bolton dancing saloons, or places of public amusement, attached to them?—About four or five.

4438. Have any of the beerhouses such places attached to them?—Some few; three or four.

4439. How are they conducted?—We have had great complaints, and we have suspended the licences of two, which kept singing saloons.

4440. On account of what?—On account of young persons especially being admitted; and we restored their licences, with this admonition, that if they admitted persons under 18 years of age, we should certainly take every means in our power to deprive them of their licence.

4441. Is it the rule in Bolton that persons under 18 years of age are not admitted into those places of amusement?—It is a rule which the magistrates have tried to enforce since the last licensing day.

4442. Does it apply to all the places of amusement, or only to the singing saloons?—The singing saloons especially.

4443. *Chairman.*] What is the peculiar objection to singing saloons?—There are two or three which seem to tempt young persons from the ages of 12 to 14 or 15, and many instances have been brought before the magistrates where those young persons have stolen 2*d.* to gain admission to those places. Several convictions have taken place, and where they are of the proper age we generally whip them.

4443.* Mr. *Lowe.*] It is not the harm they get there, but the temptation to steal the 2 *d.*, that you complain of?—I think if it was not for the singing and dancing the very young persons would not go for drinking.

4444. *Chairman.*] Is there anything improper in the singing or dancing that goes on there?—Nothing specially.

4445. Are those persons ill educated, and not taken care of by their parents?—They are generally employed in the factories.

4446. Would they go to better places if they did not go to those places?—I do not think they would go to any.

4447. They are free to go?—Yes, but I think the temptation does not exist; there were so many temptations at one house especially, that I should think at 11 o'clock

11 o'clock at night 300 or 400 of those young persons would turn out; and I have had complaints from the mothers, saying that this place was a great temptation.

4448. Still it was not because they drank at this place, but because they went to this place?—They went there and acquired bad habits.

4449. Is there anything to prevent a place of that kind being opened at Bolton now without a licence?—There is no such place without a licence.

4450. A person might fit up a room, which might be called a dancing room or a concert room, not attached to a beerhouse or a public-house?—Certainly; we have no power to prevent that; but they would not go if they could not have drink as well as the music.

4451. Is it an observation which has been made, that when they go to those dancing saloons they get drunk?—They get drink; those young persons are tempted to go to those places by the attractions of the amusement, and they pay 2 *d.* on going in, for which they have 2 *d.* worth of liquor.

4452. Mr. *Lowe.*] What are the attractions and temptations which you speak of?—Songs and scenic representations, and conjurors and tumblers.

4453. *Chairman.*] Do they pay the twopence down at the door, or is it when they receive the liquor?—No; on admission they receive a ticket, for which, when in the room, they receive the 2 *d.* worth of liquor.

4454. Mr. *Barrow.*] Is there no house in Bolton in which persons of that class can obtain any amusement or entertainment at all, except houses which are licensed for the sale of liquor?—I do not know of any; there is no prohibition.

4455. It has been given in evidence before us, that in places where there are the means of obtaining entertainment in that way, drunkenness has decreased?—I should be very glad to see such places, if they supplied nothing but coffee.

4456. Is there no such thing at Bolton?—I am not aware of any.

4457. Sir *G. Grey.*] Your objection to those places is, that they are kept by the owners of public-houses?—My objection is, that it is a temptation to young persons from 12 and 14 up to 16 and 17 of both sexes, and when they are out late at night we know the consequences.

4458. Would this temptation be diminished if those places were not attached to public-houses or beerhouses?—I think the mischief would be much less if there were not strong liquors sold there.

4459. *Chairman.*] Is it not comparatively of recent date that those representations have been produced at those houses?—Yes, I think it is. One celebrated house may have been established about 10 years.

4460. People have now a greater disposition for these sorts of amusement than those of a more brutal or sensual kind?—I would fain hope so.

4461. Do you see an improvement in the taste of the people in that respect?—I think we have fewer degrading scenes; we have not so many dog fights, or brutalities of that sort; we are improving, but we are susceptible of great improvement still.

4462. Mr. *Barrow.*] There has been a representation made to us that a workman would take his wife and children to an intellectual entertainment, and would be kept away from the beershop by that means; is there no such entertainment at Bolton?—I think I can convey my meaning in this way; this house at Bolton, where they sell liquor and have theatrical representations, is always filled, but the regular theatre has never succeeded.

4463. Mr. *W. Brown.*] Has any portion of that 2 *d.* been spent in beer?—It goes for that purpose.

4464. Sir *G. Grey.*] What is the price of admission to the theatre?—I think not more than 4 *d.* to the gallery.

4465. The difference of price does not account for what you stated as to the number attending one and the other?—They think where the liquor is sold they get something more for their money; they get amusement and liquor.

4466. Mr. *Lowe.*] Are not the entertainments at those houses better adapted for people of that class than those of the theatre?—They endeavour to adapt their representations at the theatre to the gallery audience.

4467. Should you approve of a regulation which should forbid the theatre receiving persons under 18 years of age to the gallery?—No.

4468. How do you distinguish that from the case of the public-house?—Because they may, very properly, witness dramatic representations occasionally, if they do not also get habituated to taking liquor.

4469. Do not a great number of the mischiefs occur in going to the theatre;

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the inducement to steal the 3*d.*, and the coming home late at night?—I think the temptation is not so great.

4470–71. Sir *G. Grey.*] Do you think the temptation would be very much diminished, if those places were all separated from the public-houses?—I do.

4472. *Chairman.*] Have you any doubt that if a saloon was fitted up, giving the representations you describe in those public-houses at Bolton, without any intoxicating drink whatever, it would be filled by the very class of persons you describe?—I think it would. I think they have acquired very much a taste for that sort of amusement, and the great objection to its being increased is that they are becoming habituated to liquor at the same time.

4473. Supposing a place fitted up, without the power of selling intoxicating liquors at all, if they are disposed to drink, cannot they go to a neighbouring house on coming out?—Of course; but they have not it brought before them, and that is a little further trouble.

4474. Sir *G. Grey.*] The magistrates now, if they think fit, have it in their power to refuse to renew a licence to a publican who has one of those places attached?—Not because it is a house of that sort. They must commit some offence against the beer or spirit licence.

4475. Have not the magistrates the power of refusing licences at their discretion?—Yes; but it is rather difficult to bring them to it. I was a party who strongly recommended that this licence, in the case I have alluded to, should be suspended, I and other gentlemen, as a warning to them. We have no power of compelling the condition of not admitting persons under the age of 16 or 18; but they have promised to comply with it, because we told them, if they did not, we should order the police to be exceedingly vigilant.

4476. Have you not a power of compelling that condition by refusing the licence, or withdrawing the licence, if a violation of that condition has led to public immorality or injury?—We have the power at our discretion.

4477. *Chairman.*] Is it the fact that there is not a single public-house which has a saloon in connexion with it in Bolton?—There are several.

4478. Are they all on terms with the magistrates not to have those premises connected with the house?—They have all connected with the house.

4479. Then the condition is not only not to admit young people, but not to have a saloon?—We did not wish to suppress the performances, but we objected to the young persons being attracted to them, from a personal knowledge that they had frequently been tempted to commit petty thefts for getting the money; and also from the immorality that I knew had taken place from young persons of both sexes coming out so late at night.

4480. Sir *G. Grey.*] You have not attempted to enforce any condition that would affect the supervision of those saloons?—No.

4481. Mr. *Lowe.*] You have never attempted to enforce any condition which would prevent what you have complained of, the 2*d.* being taken out in liquor?—No, we have not attempted to interfere.

4482. Might not that be worth considering, that they should not give each person the right to so much liquor?—I think that would be an interference with the trade.

4483. Is it more interfering than limiting the ages of those who frequent the houses?—We thought we might venture to suggest that if they would keep out very young persons it would be much better; it is merely a suggestion, but I believe it has had some good effect.

4484. *Chairman.*] Is education making any way in Bolton?—Yes.

4485. Are more schools established of late years?—Yes, and better attended.

4486. Is it not better to trust to that than to magisterial control to improve the habits of the people?—A great deal, but I would not give up the magisterial control. I have a personal knowledge of the good effects of the factory schools; I am the certifying surgeon of a large district, and I know the great good that has arisen from the compulsory education of persons between eight and 13 years of age; I quite approve of it.

4487. Could education be carried further in Bolton than it has been?—Yes, it could.

4488. By compulsory means?—There is such a demand for labour at present, that it would be very difficult to compel young persons to go to school instead of work.

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4489. Mr. *Lowe.*] Do you approve of the law which prevents a man recovering for intoxicating liquor supplied?—I think it would be a very good thing if such a law were passed.

4490. There is such a law, is there not?—I think not.

4491. Not for spirits?—I think not.

4492. Mr. *Barrow.*] Are you not aware that there is an Act of Parliament which prevents the recovery of a score for intoxicating liquors?—Beyond a certain amount there is.

Mr. *Henry Danson*, called in; and Examined.

Mr. H. Danson.

4493. *Chairman.*] DO you attend here on behalf of the Liverpool Licensed Victuallers' Association?—I do.

4494. Have you come for the purpose of stating to the Committee their view of the present licensing system?—I have

4495. What is your particular business?—I represent Messrs. Samuel Allsopp and Son, of Burton-upon-Trent. I am also trustee of the Licensed Victuallers' Association in Liverpool.

4496. Are you chairman of the association?—I am not.

4497. Are you secretary of the association?—No, I am not; I am requested by the committee to come, representing the association.

4498. Mr. *Lowe.*] Are you Messrs. Allsopp's agent?—Yes; one reason why I was selected by the association, was in consequence of the long practical experience I have had in connexion with the licensing system practically in Liverpool.

4499. Mr. *Brown.*] Is the deputation in London?—Yes, they are present.

4500. *Chairman.*] Are you aware that there have been some complaints of the licensing system in Liverpool, and a meeting of the magistrates held to consider the subject?—I believe there was a meeting of the magistrates; for what reason, I could only gather from the newspapers.

4501. Do you not know that they came to certain resolutions?—I do.

4502. Have you seen those resolutions?—Yes.

4503. Have you any remark to make upon the resolutions that they came to?—The remark I would make is contained in the counter resolutions of the Licensed Victuallers' Association.

4504. Do you mean to say that the licensed victuallers had a meeting in consequence of the meeting of the magistrates?—Yes.

4505. The principal resolution affecting the licensed victuallers, was one that recommended that the trade should now be thrown open, and that all persons dealing in beer and spirits should be able to obtain licences from the Excise?—It was to that effect.

4506. Was that the cause of the meeting of the licensed victuallers?—It was, at which I was present.

4507. Have you an opinion upon that subject which you wish to convey to the Committee?—The opinion I would more particularly express is, that the law as it stands is fully adequate for every purpose, both to the licensed victuallers and the public, if properly administered.

4508. What are the views of the licensed victuallers as to the purpose of the magistrates' licence, which you say is adequate to the interest of the licensed victuallers, and for the public?—I should only repeat in substance what is stated in the resolutions, that they consider there is required no amendment in the law, and no alteration in the law; that the law as it stands is quite good; the resolutions state so; they consider that it requires no alteration whatever; they believe that if there is any fault, it is in the administration of the law; that is, in fact, the whole of their instructions.

4509. Are you talking of the administration of the law in granting licences?—I am; and the transferring of them.

4510. That you are now confining to Liverpool?—Yes.

4511. The mode of granting or transferring licences in Liverpool is satisfactory to the licensed victuallers?—No, it is not as to the mode; but the law is satisfactory.

4512. That is, to those who have got them?—Yes.

4513. But not to those who have been refused licences?—Of course not.

4514. What do you consider to be the system upon which the magistrates of Liverpool act?—I have had an opportunity of seeing the *ex parte* evidence of Mr. Wybergh.

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4515. Is Mr. Wybergh the clerk to the magistrates?—Yes.

4516. He was the gentleman examined here, and stated what the system of the magistrates was?—Yes. I have had an opportunity of seeing his evidence, and there are many statements in that which I believe to be incorrect; and that is, in fact, one of the reasons that the Licensed Victuallers' Association were more particularly anxious to be heard before this Committee.

4517. In what respect is Mr. Wybergh incorrect?—The evidence itself goes over so very wide a field, that I should not like to trust to my memory in giving every particular. I have taken *seriatim* from his evidence, as near as I could, the objectionable parts, and I might recollect them, but some of them I might accidentally omit. That was the reason why I took the liberty of putting a number of queries before you, in order that I might not trust entirely to my memory for answering those questions.

4518. If you have got any notes that you have made after looking at Mr. Wybergh's evidence, you are at liberty to refer to them now; and we only wish to hear from you what you do remember accurately, or what you have to state with respect to the leading features of his evidence, or those parts to which you object?—There is one very important part. He stated, that there were three particular inquiries which the magistrates were in the habit of making previously to granting a licence; he stated that those inquiries were regularly made; that they consisted, first of all, of the necessity for the licence being granted to the particular house; next as to the particular house being suitable for the licence; and beyond that, the character of the individual. Now, in the first place, we have reason to complain, that as to the neighbourhood, it does appear that if there have been inquiries made by the magistrates, they have resulted in little or no practical good, because licences in Liverpool are granted, or have been granted, indiscriminately; so that in many cases three or four licensed houses are close to each other without a single house intervening; it appearing to most of the public that have offered any opinion upon the subject, and more particularly the licensed victuallers, that it was utterly impossible that public convenience could call for such a supply of licences. On the other hand, many houses continue to enjoy licences in neighbourhoods where there really are no natural resources whatever, where there is no custom to support the licence; and we believe that one very great proof of that may be taken from Mr. Wybergh's own evidence, in which he proves that there are about 400 licences transferred into different names annually. The greater part of those we know to be transferred where the licence, from the wants of the neighbourhood, is not required. A man finds he can do no good in the business; he becomes ruined, and goes out of it, and other persons take it up. Others, anxious to embark in the business, go into those houses, and it is in those houses where the great evils arise, and most of the complaints and informations of the police come from; because there are no means for a man to get an honest livelihood in them, as there is not custom to support them. Many of them are situated in back streets, and in neighbourhoods where it is utterly impossible they could make a living, and by that means they become a constant source of annoyance to the public, particularly by the number of complaints that is given against them, being a natural cause for their being fined. These complaints affect the licensed victuallers as a class. We believe that if there was such an arrangement made that those licences were removed into neighbourhoods where public convenience require them, such complaints would not arise. In this case I feel I am making the statement as clear as possible as to two points; first of all, the wants of the public, and next as to the neighbourhood; it means pretty nearly the same thing. The next inquiry was as to the fitness of the houses.

4519. What you have just now stated is to show that the conditions of granting a licence, that the magistrates should know the premises, or at least that the neighbourhood required a public-house, you consider useless?—They allow them to remain so. This we consider a fault in the administration, not in the law itself. Upon the next point, as to the character of the individual, I must remark that the Licensed Victuallers' Association have taken a very prominent part repeatedly in representing to the magistrates that persons of improper character continue to have their licences renewed to them; I do not say granted to them. There are several instances in which known prostitutes, and known persons so connected with thieves that the house can be considered no better than the receptacles of thieves, still continue to have their licences renewed to them every year. The Licensed Victuallers' Association being exceedingly particular to have the

association

association composed of men whose character will bear personal investigation, therefore took upon themselves, and have been encouraged by the magistrates, particularly the late stipendiary magistrate, Mr. Rushton, to make what representations they thought to be necessary for the guidance of the magistrates. They have made several representations of these disorderly and bad characters having licences renewed to them. I recollect one special instance in which the association appeared by their secretary, when a man of known bad character, and known to keep what is commonly called a fencing-house—a house for the reception of stolen goods—he and his whole connexion being those of brothel-keepers and thieves. This man, in this particular instance, encouraged the mother of a woman with whom he cohabited as a prostitute to apply for the licence being transferred. The Licensed Victuallers' Association were cognizant of the fact, and knew the trick that was being played on the magistrates, that this old woman who was represented as the mother-in-law—for he had never been married—had no right or title whatever to the house, and occupied only the position of a servant. This was represented to the magistrates before the licence was granted to her. Notwithstanding this representation the licence was granted to her, though the police well knew the fact at the time, and confessed it; and in less than an hour after that we had sufficient proof that the house was filled with known thieves and prostitutes, and supported by no other class of the public. And in less than six months afterwards this very man, who was known to be the virtual owner of the house to which the magistrates had granted the licence against this representation, was transported for being connected with a very large robbery.

4520. State who the house belonged to?—I cannot; I can state that the man's name was Martin Macguire.

4521. He was not the owner of the house?—No; it is very seldom the publican is the owner of the house.

4522. Did the house belong to some respectable gentleman in Liverpool?—It was a transfer, not a grant.

4523. The transfer is to the person?—The transfer is to the person.

4524. Not as the owner of the premises?—Not as the owner; that seldom enters into the consideration, except that, when a party applies to have a licence transferred, the magistrate requires that he should bring a note from the landlord, saying that he accepts the applicant who is seeking the transfer as a tenant.

4525. You do not happen to know whom this house did belong to?—I do not.

4526. Have you any idea at all?—Not the least idea; I dare say the information could be obtained.

4527. Is there anything which you can state to illustrate the imperfect way in which the law is administered in that particular, as to the character of the person holding the house?—I was more prepared for being led into my evidence by questions, instead of being thrown on the subject as a whole.

4528. You are stating now what your complaint is of the administration of the law, and you are now showing the defect of that system as represented by Mr. Wybergh, in which the magistrates are supposed to make three inquiries: one, the wants of the neighbourhood; the other, the character of the person; and the third, the suitableness of the house?—Yes.

4529. You have alluded to the second, showing that there is not much regard paid to the character of the person?—That is one of the most essential points, and one upon which I believe the magistrates have been more remiss than any other, and one that has more called for the serious representation of the Licensed Victuallers' Association than any other. I see, by Mr. Wybergh's evidence, that he asserts that the magistrates are very careful in making those inquiries as to the character of the parties; but Mr. Wybergh did not state to the Committee that it was only within the last 18 months they had thought fit to make any inquiries whatever. Previously to that time the printed form, which is supposed to be the character, was signed by any person indifferently; only they objected to it if it was signed by persons in the trade, supposing they might be influenced unduly. I have seen, and know for a fact, that licences have not only been granted, but have been transferred for years and years without the slightest regard being paid to inquiries as to character. The paper was merely given in, and in very few instances were the names upon it ever looked at; and this we

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have always looked upon as a grievance; but I believe the case is very different now, but it has only been the practice within the last 18 months or two years.

4530. What have you to say with respect to the houses that are chosen for licences, or at least to which licences are given, owing to the suitableness of the premises?—I believe that in many instances a mere outside view of the premises, without regard to its suitableness or convenience, is the case; because I know that many houses in Liverpool have had licences granted to them within the last few years that do not contain anything like the convenience which the public have a right to expect from a public house of entertainment. So that I believe even that portion of the subject has not in all cases been attended to; but that we do not look upon so much as a matter of complaint, not being so serious a point as that of character and the number of licences granted.

4531. Sir *G. Grey.*] It is stated in the resolutions passed by the Licensed Victuallers' Association, which appear to have been transmitted to the Chancellor of the Exchequer, in answer to the resolutions of the magistrates, "That in the opinion of the Licensed Victuallers' Association, the licensing system has been very gradually matured, and brought to its present state of excellence by carefully considered and experienced legislation"; and the Licensed Victuallers' Association "earnestly pray that the system of licensing, as at present existing, be maintained." Is that so?—It is, as respects the law; the system of administering that law is what I complain of.

4532. May we infer, notwithstanding that opinion, from the evidence you have given, that the operation of the law in Liverpool is, that the magistrates grant licences indiscriminately; that they grant licences in neighbourhoods where they are not wanted, out are positively mischievous; and that they grant and renew licences to persons of known and notoriously bad characters; and that they grant licences on the assumed suitableness of the premises, merely taking an outside view, and without the means of ascertaining that those premises are suitable?—You have stated it rather stronger than I did; I did not say they do grant them now; I did not say they had granted to persons of known bad character, but that they have transferred to them, which is a very different case. I do not say that they continue to grant licences irrespective of character, because I have reason to believe that they institute inquiries now which they did not formerly. I am speaking of evils which have arisen, and from which the association consider they suffer, which have taken place in consequence of maladministration in past years.

4533. What is the difference between a transfer and a grant of a new licence, as regards the individual to whom the licence is given?—In the case of a grant, it is giving a licence to a house that had not a spirit licence before; in the case of a transfer, it is a transfer of the name of the licence from one tenant to another.

4534. What is the difference as respects the character of the individual; is it not equally important that the character of the person to whom the licence is transferred should be ascertained as the character of the person applying for a licence to a house for the first time?—Equally important; but when a house becomes a public-house it does not come so immediately under the cognizance of the magistrates, because they are not supposed to be obliged to pay any personal visit to it, which they do in the first instance.

4535. Therefore there is not the same inquiry made about a person to whom the licence is transferred?—There is not.

4536. And a transfer might take place almost immediately after the original grant is made?—It might, and has immediately.

4537. Mr. *Lowe.*] When was it that this matter took place about the man who was transported?—That is three or four years ago; I am not quite certain of the date.

4538. Up to three or four years ago the evils which you complain of have existed?—And inquiries have only been instituted into character within the last 18 months or two years.

4539. You date the reformation in the magisterial practice about 18 months back?—Or two years at the farthest; I want to be as correct as possible.

4540. Before that it was bad?—Before that there was little or no attention paid to it.

4541. The inference you draw from that is, that the law requires no reformation?—I draw the inference that the magistrates have not administered the law.

4542. It appears almost all the time to have been badly administered up to 18 months or two years ago; does not that show that the body which administers

nisters it is in some degree defective; and does it not show that the law is not good in itself?—I conceive that the error arises with the administrators of the law, and not with the law itself.

4543. Ought not the law to provide administrators who will administer it properly?—It ought, certainly, if the law is correct, but the administrators of the law acknowledge, as the magistrates have done here, that they are incompetent to discharge those duties.

4544. How do they acknowledge that?—Mr. Wybergh, in his evidence throughout,—I must quote it, because it is a public document, *ex parte* given,—acknowledges the incompetency of the magistrates to regulate the supply of licences according to the demands of the public; to have any fixed rule for doing so. I naturally infer from that, that it is an acknowledged incompetency on their part to discharge that portion of their public duties; and if I am asked what remedy I propose, which I presume is put by your question, if those gentlemen are incompetent, and we have reason to believe the law not to be defective, I think those gentlemen ought to resign their position, and let other gentlemen go on who are competent.

4545. You do not think that there is any defect in the law, but that it throws a duty upon persons who acknowledge they are incompetent to perform it?—I hold the law to be perfect, but the administrators to be incompetent, as respects Liverpool.

4546. *Chairman.*] Do you complain of the manner in which the magistrates discharge this part of their duty?—Yes.

4547. Mr. *Barrow.*] Is it your proposal that the magistrates should be changed, and that the law itself is sufficient, provided the magistrates were changed?—I would not presume to say so; I am bound to give an opinion conscientiously, that if the law is good, and the magistrates profess themselves incompetent, that other administrators of the law should be found. They appear to state that there are very great practical difficulties in the way of their discharging these duties more satisfactorily.

4548. Do you mean to apply the improvement in carrying out the law by the magistrates generally to the last two years, or only to that one point as to the inquiry with regard to character?—I believe in both cases, for this reason, that very few licences have been granted within the last year or two; in fact, none last year. I have reason to believe that the proper and requisite inquiries are now being made as to the character of persons to be entrusted with licences.

4549. Mr. *Brown.*] With respect to character, are you not aware that one great difficulty the magistrates have in taking a licence away from improper public-houses arises from the difficulty of having legal proof of the improper character of the parties keeping them; on mere report they could not act?—I have seen, and I believe, and it is acknowledged that they have the power to withhold a licence on the licensing day without a conviction. It has been the case repeatedly; and why should they not do it in the case of persons who are known to be disreputable characters, whose houses during the whole year are supported solely by thieves and prostitutes?

4550. Mr. *Barrow.*] Why should they not have had evidence before them to prove that fact?—It rests entirely with themselves.

4551. Is that so?—The police are under their guidance; and if the police do not bring them proper reports, it is remissness on the part of the police themselves. In the lifetime of Mr. Rushton, our late stipendiary magistrate, he has several times encouraged the Licensed Victuallers' Association to bring those reports; and in one case in particular, I recollect where there were some cases that the police had overlooked, when, appealing to the secretary of the association, he asked how it was that the licensed victuallers had not represented the cases.

4552. Mr. *Brown.*] Are you aware that in two or three instances where the magistrates did take away the licences, they were appealed against to the quarter sessions, and that their decision was overruled?—It was overruled, I think in some cases, in consequence of defective evidence by the police, not in consequence of there not being sufficient cause for the magistrates to exercise their power in withdrawing the licences, but the police evidence was proved to be defective.

4553. Where they have evidence, are they disposed to act?—I have no doubt about that.

4554. *Chairman.*] Do the magistrates direct the police to make reports on these houses; and to lay the reports before them when the time comes for granting or

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renewing licences?—I have reason to believe they have a report of every house in Liverpool before them, before the licensing session comes on; and if there are unruly houses kept or encouraged by bad characters, they have the information fully before them. I have reason to believe, and I think Mr. Brown can bear me out, that their licence book contains the character of every house in Liverpool.

4555. Do you know, further, that there are many disorderly houses that have their licence now in Liverpool?—Many.

4556. Have you any doubt that reports of those houses have been made by the police, and submitted to the magistrates before the licensing sessions?—I have no doubt of it whatever.

4557. And those licences have been renewed?—They still continue to be renewed.

4558. What is the idea of the public in Liverpool as to the rule that guides the magistrates in granting those licences?—The public seem to agree with what Mr. Wybergh stated, that it depends entirely on the varying temper of the magistrates. I believe those were his words, as nearly as possible. It is often a mere matter of chance; and it is carried so far, that I have known, and do know, that the repeated number of applications that have been made in Liverpool are made from that very uncertainty and chance in getting licence in consequence of the magistrates just being in the humour to grant it at that particular time. I know instances that I can call to mind of persons applying for seven or eight years successively for a licence, and being refused, and at last obtaining it.

4559. The circumstances being precisely the same?—Precisely the same.

4560. Do you mean that the magistrates who attend vary in number, vary in character, and vary in interest?—They are all gentlemen of high standing, and I should be sorry to suppose they were actuated by unworthy motives.

4561. When I said "character," I meant disposition or opinion; do they vary in disposition and opinion with respect to the number of public-houses which ought to exist?—It is disposition and opinion; and several of the magistrates indulge in peculiar personal crotchets, which they carry out in either advocating or granting of licences or withholding them. Some of the magistrates would rather decrease the number, some would rather have them remain as they are, and some would grant them indiscriminately to every one who came.

4562. Are there any magistrates who act in Liverpool who might be supposed to have an interest in the increase of houses, or in the refusal of licences?—There are several of the magistrates who are personally interested; that is, as brewers, and so on; I think there are one or two.

4563. On the bench?—Yes; I believe they are legally disqualified from taking any part whatever in the business of granting licences; and I have every reason to believe, from the standing of those gentlemen, that they would not exercise any personal influence for their own benefit, to the detriment of the public.

4564. Being acquainted with the licensed victuallers' houses in Liverpool, are there many which belong to the brewers?—It has been stated before this Committee, in a most extraordinary manner, that the majority of licensed houses in Liverpool belong to brewers. Now, since that inquiry before the Committee became public, the Licensed Victuallers' Association have taken great pains to make proper personal inquiries, on which they can depend implicitly, and the number of houses owned or held under lease by the whole of the brewers of Liverpool, certainly do not come to 200 out of 1,450; and we have reason to believe that not more than 180 are held by brewers.

4565. Owned?—Owned, or held on lease.

4566. Do you go so far as to say that the brewers have not any power over the other houses in any way?—None whatever.

4567. All except the 180 you name are free and quite independent of brewers?—Yes, entirely; and the two largest brewers in Liverpool have only two houses each, which they would have been gladly without; but they took them for bad debts; it is the principle of the brewers not to hold houses.

4568. You represent the Messrs. Allsopp?—Yes.

4569. They are great brewers?—Yes.

4570. Have they any houses in Liverpool?—Not one.

4571. Is their beer consumed in Liverpool?—Very largely with the majority of houses in Liverpool.

4572. Mr. *Barrow.*] If the brewers are not absolute owners of the houses, are the occupiers of the houses under obligation to them for money?—It is very rarely the

the case; if it should so happen that there is any obligation, it is nothing more than the simple connexion of debtor and creditor; and I have known instances, and I believe this is the practice, that if a publican is perhaps in want of a temporary advance of capital, if he has money from the brewer, there is no security whatever taken in most cases, and the publican is no more tied to the brewer than he was before, because if he is anything like a steady man of business, and attending to his business, and he feels that the beer he is supplied with is too dear or not good, he has only to go to another brewer, and say, "I owe Mr. So-and-so 200*l.*; I am not able to pay him, but I would rather have your beer; will you pay him off?" and he would say, "Certainly." The connexion is nothing more than the ordinary one of debtor and creditor.

4573. *Chairman.*] There are brewers enough to effect this competition for the publicans?—Yes; there are sixty brewers in Liverpool, some very small; but there is a very large quantity of ale consumed which is not brewed in Liverpool; for instance, the firm I represent, and other firms in the country, supply large quantities at Liverpool.

4574. Do the brewers you represent ever make advances?—Never; we do not think it worth while to lock up capital in such a way.

4575. Have you ever had anything to do with the watch committee at Liverpool?—Yes; I was a member of the watch committee two years, when I was elected on the town council.

4576. Did you represent Messrs. Allsopp then?—I did; and I should state, at the time I was nominated as a member of the watch committee, and Mr. William Preston, the largest spirit merchant in Liverpool, was nominated, I moved that it should be a standing order of the council that no person connected in any shape or way with licensed public-houses should be on that committee. Mr. Preston seconded that motion. It had been repeatedly brought forward before. As we said, there was no influence we could use, from the constitution of the committee; but we are always under the imputation of the public that we could do it.

4577. You were always under the imputation that you could do what?—That we could use influence for our own benefit.

4578. Will you explain what the public thought on that matter?—Some of the public have expressed an opinion, and said it was objectionable that brewers and spirit merchants should be on the watch committee at all.

4579. Why?—Because they supposed it was quite possible that they might influence the police to serve some business friends of their own.

4580. They depended on the police for evidence against the public-houses?—Yes.

4581. And if the watch committee appointed the police, the police would be afraid to give information against those houses?—They supposed it was possible.

4582. And to relieve the brewers from that imputation, you moved a resolution to prevent any person being on the watch committee who had anything to do with the public-houses?—Yes.

4583. And you proposed the matter yourself?—Yes. We considered it objectionable to the trade that we should ever be placed upon it, because we were put in the situation of being supposed to derive a benefit when we never had an opportunity of exercising any influence whatever; and every respectable man in the trade was exceedingly anxious that the trade should be rid of anything like a supposed imputation of the sort; I felt always annoyed with it as long as I was in the council, and I never took any part whatever when the question of police was under discussion; but I took my share in the usual business.

4584. You did not retire from the watch committee?—I could not; I was not allowed.

4585. What happened when you moved that resolution; was it carried?—The council would not entertain it.

4586. It was not carried?—No; they said it was our duty to take part in the work; we had no opportunity of any influence; and if a man was sufficiently respectable to be a member of the council he ought to be sufficiently respectable to be above any such imputation.

4587. But the fact is, on the watch committee, persons having interest may still be there?—I have a report of the number of persons there who have been on the finance committee and the watch committee.

4588. It is the watch committee which is chiefly in question?—Yes; but the finance committee has been questioned too. This is the report:—

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FINANCE and WATCH COMMITTEES, composed of Members of the Town Council of *Liverpool*, for Five Years.

Finance Committee, 15 Members.

	Possibly Interested.	Magistrates.	Total against Influence.
1848-9 - - -	3	7	12
1849-50 - - -	3	4	12
1850-51 - - -	2	4	13
1851-52 - - -	4	4	11
1852-53 - - -	4	4	11

Watch Committee, 18 Members.

	Interested.	Magistrates.
1848-9 - - - - -	3	2
1849-50 - - - - -	1	2
1850-51 - - - - -	1	1
1851-52 - - - - -	1	0
1852-53 - - - - -	1	0

4589. Did you ever know an instance of a member of the watch committee interfering with the police?—I recollect one instance, I believe a solitary one, quite capable of explanation. It was the case of a gentleman who was a brewer, and also on the watch committee. He did, I believe, exercise some improper influence over the police, which, coming to the knowledge of the then stipendiary magistrate, he made very strict inquiries into the matter; and I think I am quite certain in saying that the gentleman in question was in no way interested in the licensed house, or that the man was a tenant or customer; but he represented a ward in the town as town councillor, and at that time municipal party spirit ran very high, and this man had been a voter of his, and it was from political motives that he advocated his cause, and not from any pecuniary interest of his own. That is a solitary instance; and then it was not to serve his own purposes in any shape or way, except as a very hot politician; it was for party purposes only.

4590. But there is nothing to exclude politicians from the watch committee?—No; a man interested ought to be excluded by a standing order of the council, which could easily be made.

4591. Does political influence never creep into the bench on these occasions of licensing public-houses?—I have reason to believe, some years ago, it did. I do not think it does so now. The magistrates are not united in opinion, and where they differ in opinion, I believe it arises more from their idea of how many or how few licences should be granted, and not from the consideration of any political feeling.

4592. Do you think that it would affect a man on application for a licence, or on application to renew his licence, that he voted in a particular way?—I do not think it would; some years ago it might have done so, because party spirit ran very high, and the bench was composed of magistrates of one political feeling.

4593. Is there not a little party spirit still?—I do not think it is party spirit, because they are so mixed; they are much more equally balanced.

4594. Have you anything to state to the Committee with respect to the concert or singing rooms, as to licensed victuallers' houses being held in connexion with

with those rooms?—Concert rooms, if properly regulated, I should not look upon as an evil.

4595. Have the Licensed Victuallers' Association decided that they will not have such rooms connected with their houses?—No.

4596. Or do they discourage houses having rooms of that kind?—No; that would not be within their functions. If a man is a respectable man, and conducts his business, generally, as a respectable man; he can only as a respectable man be a member of the Licensed Victuallers' Association.

4597. You have referred to places where licences are given, and where there is not custom enough to support the houses; it has been stated to the Committee by a magistrate of Liverpool, that upon those occasions the publican resorts to extraordinary means to attract customers to his house, and, among other things, has concerts and saloons; does your experience bear out that opinion?—I believe it has a very great deal to do with it; and I think the public look on that as a proof that either those particular licences are not wanted, or that there are generally too many in the town.

4598. Do you think that when a concert room or saloon is connected with a licensed victualler's house, it is proof that he cannot get a living by the regular business?—Not in all cases, because there are some concerts in Liverpool that are conducted very respectably.

4599. I suppose it is the interest of every publican to get as much custom as he can?—Certainly, in a respectable manner, as any other tradesman or merchant.

4600. And any attraction he can offer to his customers is considered legitimate?—No, not any.

4601. Any legitimate attraction, such as making his rooms splendid, or having premises suited to other entertainments; those are all legitimate?—They are never looked upon as the legitimate operation of the trade. The legitimate operation of the trade is that of a tavern-keeper, or spirit-dealer.

4602. Do you know anything of the influence which this system of licensing public-houses has on the beer that is sold; whether, from its being restricted to a few, the beer is not so good as it might otherwise be?—Does that question apply to the brewers?

4603. It has been stated in evidence to this Committee that the beer is not so good as it might be in Liverpool, and that it proceeds from the trade not being as free as it ought to be?—Any statement made, detracting from the quality of the beer in Liverpool, must have been made by persons who had no practical experience in it. The brewers in Liverpool are acknowledged to brew good ale; it is principally of the cheaper description; that is, what is commonly called six-penny ale, but it is excellent in quality.

4604. Is there no complaint of the quality of the beer or porter in Liverpool?—None whatever. There cannot be better local brewers anywhere. Of course I should prefer to sell our own beer, which is not brewed in Liverpool; but I must do them the justice to say it is excellent.

4605. Are there any magistrates upon the bench who want to encourage temperance in the peculiar way that the societies called temperance societies do?—I do not know of any. I think they are, generally speaking, of the substantial class, who overlook those foolish notions.

4606. Have the Licensed Victuallers' Association matured any plan, or have they any suggestion to make to this Committee as to the power or authority that ought in future, in Liverpool, to grant these licences or to withdraw them, seeing that the administration of that part of their duty is not satisfactory at present?—They have no suggestion whatever to offer. They look upon the existing law as the best law that could possibly be made; they complain of its administration.

4607. But the administration, as far as you have described it, proceeds from causes that appear not to be permanent, inasmuch as the magistrates are a fluctuating body, and very uncertain in disposition on the subject of public-houses; we want to know whether you have any suggestion to make to the Committee as to an authority that should be more permanent and certain in its character that should grant these licences in future?—We do not conceive that there is any practical difficulty in the magistrates discharging those duties efficiently, seeing that it is done so well in Manchester. The magistrates there have certain rules by which they are guided, and they have carried out the same law under infinitely more difficult circumstances, entirely to the satisfaction of the public, and the publicans themselves.

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4608. That is, the magistrates acting for the moment in Manchester give satisfaction in their way of administering the law?—They do.

4609. But as all this seems to be accidental, you may have magistrates of one sort on one day, and another sort on another; is it your opinion that the persons who grant or withdraw these licences in future should be a permanent fixed authority, such as your stipendiary magistrates, or any other such person having jurisdiction in your town?—We conceive, in the first place, it cannot be considered a temporary, accidental, good management on the part of the magistrates of Manchester, because their functions have been satisfactorily performed for years past. They have not got the accumulation of evils that we have in Liverpool, and we conceive that if there were any alteration whatever in the present system, placing it in any one else's hands, that person is quite as liable to err in the administration, in fact more so, than the magistrates would be if they administered that portion of their duties in a different manner; and we conceive that if they had taken the advice which has been often thrown out, with every respect for their elevated position, seeing they have not practical experience, if they would take the example of the House of Commons and seek practical experience, where they have it not, from respectable persons in the trade, they never would have committed the many blunders they have.

4610. Do we understand that if the selection of persons to have the licences is to be left to the discretion of any person or persons, you would as soon leave it with the magistrates, chosen as they are now, as with a stipendiary magistrate nominated by the Crown or nominated by the council, and being permanent and certain?—I would sooner, because they are men of the very highest standing in Liverpool.

4611. Should it be left to the discretion of the person or persons to select the position or place where the public-houses are to be open?—Certainly.

4612. Are you not of opinion that this trade should be left to regulate itself, like every other trade, allowing the wants of the public to determine how many and where the public-house or houses should be established?—I think it would be exceedingly injurious.

4613. Is there something peculiar in the trade of selling beer and spirits that distinguishes it from others?—There is.

4614. Shortly state in what particulars you think it does differ from other trades?—They are houses of public entertainment, necessarily and properly under the surveillance of the police, and, in fact, necessarily so, because all portions of society frequent them. Another consideration, I think, that has been lost sight of, is, that the licensed victuallers are, in fact, the collectors of the enormous revenue derived from spirits; that if you grant licences indiscriminately to any person who chooses to come, and you have not the power of continuing the present close supervision, which you will have if you keep the supply within proper and reasonable bounds, you deteriorate them as a class, and you prevent the Government having a security against illicit distillation. This is one portion of the question which is exceedingly important. You prevent that, and you encourage illicit distillation, by having so large a surface over which the police are to exercise their supervision, that it cannot be properly and efficiently done. I may instance the fact of licences being entirely free in Scotland and Ireland. It is acknowledged on all hands that a very large portion of the spirits consumed there is illicitly distilled. It is not the case in England, though we have equal facilities with Ireland and Scotland.

4615. Are they not illicitly distilled in England?—But to a very small extent.

4616. Do you ascribe that to the respectable character of the publicans, or to any other circumstance?—It is in consequence of the restricted number of persons who keep licensed spirit-houses, and who are kept within such a number that the police can exercise a sufficient supervision; and those men, having embarked capital in it, must naturally be men of some respectability; and the capital they have embarked is the best possible security for their not attempting to do trade which is illegal, or contrary to the will of the magistrates.

4617. Is there any necessary connexion between distilling spirits illicitly, and selling spirits in a public-house?—Yes; if you open the system there is.

4618. If distilling illicitly is profitable, or if there is great opportunity afforded for it in England, that can be done without a licence now?—But the spirits, except in a very few instances, and in a very small quantity, must be consumed in the licensed victuallers' houses.

4619. Mr.

4619. Mr. *Brown.*] Is there not a good deal of illicit spirit consumed in beer-houses?—I should say very little to what there used to be.

4620. *Chairman.*] You have no reason to suppose that there is much spirit illicitly distilled in this country?—I do not think there is.

4621. Either in houses without a licence, or in houses with a licence?—No.

4622. So that the houses without a licence do not afford much encouragement to the sale of illicit spirit?—They are more likely to encourage it, but the law is very stringent against their selling spirits at all; consequently if they are found with spirit in the house, even if it is legally purchased and the duty paid, they are equally liable to the same information, and the amount of trade they would do is comparatively so small in those houses that it is scarcely worth their while to attempt it, because they run so very great risks, and the excise penalties are so large.

4623. But unfortunately, there are a good number of persons being licensed victuallers who who are not the best of characters?—Yes.

4624. Have you not reason to suppose they sell illicit spirits?—No; I think they run quite risk enough with their shakey characters without running any other risk of breaking the law.

4625. With respect to the distinction of this trade from any other, the question had not reference to the supervision of the police, but to the original permission to carry on the trade, which consists in the certificate or licence from the magistrate?—To have premises suitable for the accommodation of the public there must be a considerable capital embarked, and the magistrates acknowledge, on the removal of the licence from the house that the landlord or owner of the house has a certain vested interest in the licence remaining there, inasmuch as his house has to be put in a different form from any other business, and consequently the business could not be properly carried on in any indiscriminate property taken up. It must be altered and made suitable for the peculiar business, and for the accommodation of the public.

4626. There is no security in the mode in which licences are granted now for the premises to be suitable?—That would entirely rest with the fault of the administration; they ought to be.

4627. You do not think that the trade, if quite free, would adapt itself to the wants of the public in that particular?—I believe it would be surrounded by the greatest possible difficulty. In the first place, it would bring into the trade a large number of persons; there is no doubt if you throw the system open, and as suggested, give beerhouse keepers a spirit licence, you would only by that means be creating unnatural competition, by degrading the class of the publican without raising that of the beer-seller.

4628. Mr. *W. Brown.*] Have you seen a document dated "Town Hall, 9th of June;" signed "J. A. Tobin, Chairman of the Watch Committee," stating that at present there is but one beerseller or brewer on the watch committee?—That is stated in my document; and for the last four years there has been but one brewer or one person in the trade.

4629. Mr. *Barrow.*] Are you aware at all of the comparative amount of drunkenness between Liverpool and Manchester?—I do not understand how you put the question.

4630. What is the comparative character of the two towns for drunkenness of the population?—I have a statement here which I believe to be virtually correct, which will show that. I should not like to put it in evidence before the Committee, but I would forward it afterwards; I want it to undergo another supervision to ascertain its correctness; but we have got the number of population where cases of drunkenness are reported for Dublin, Glasgow, Liverpool, London, Birmingham, and Manchester; and in those cases we find that in Dublin there is one out of 21 of the population.

4631. *Chairman.*] Convicted of drunkenness?—Yes; in Glasgow, one in 22; in Edinburgh, one in 59; in Liverpool, one in 91; in London, one in 106; Birmingham, one in 313; and Manchester, one in 600. In the three first places, Dublin, Glasgow, and Edinburgh, there is the largest amount of drunkenness, and in those places there is the free licensing system, where it is sold from grocers' shops or any other place. Manchester is the largest population of the kingdom with the smallest number of licences; and, consequently, the smallest number of drunken persons; and I believe, for the amount of population, the smallest amount of police are employed. In Liverpool there are 1,470 public-houses, as you will see by this return,

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return, and in Manchester there are 578. In Liverpool, with a population of 25,000 less than Manchester, we have 900 police; in Manchester there are only 443 police.

4632. Lord *D. Stuart.*] Is that exclusive of Salford?—The number of licences takes Manchester and Salford; the number of police takes Manchester.

4633. Mr. *Barrow.*] And the population, as you have compared them, are the population of Liverpool and Manchester and Salford?—Yes.

4634. Do you know the proportion of police for Salford as well?—It makes the comparison complete to a certain extent. I have not got the number of police employed there; but if you make a very handsome addition for Salford, you do not come to anything like Liverpool; and the comparison is correct without the Salford police, because you bring the largest number of licences for the smaller number of police.

4635. Do you use the number of convictions and reports for drunkenness, as compared between Liverpool and Manchester, as a proof that in Liverpool you have too many spirit licensed houses?—Yes; as a proof that among the evils, if there are evils, complained of, one is with respect to the number of licences, and we do contend that there are evils connected with it. From the outset my evidence has been, that there were many houses which from necessity encourage an improper trade, and these were the houses that furnish employment for the larger number of police; and if the trade were thrown open, we do not know what amount of police we should require; in fact, the borough fund would scarcely pay them.

4636. Mr. *W. Brown.*] Suppose heavy bonds were taken from these parties, and those bonds could be put in force in a very summary way by the magistrates, in the event of an infraction of the law, would not that keep them within proper bounds?—The principle of bonds has been found so defective in the case of beer licences, that I think it would be only encumbering the simple act of administration with very unnecessary restrictions, when you have the best possible security in the amount of money which the publican invests in his business, which is better than any bond you can have.

4637. Suppose these bonds were rigidly put in force, do not you think that would have a tendency to secure the most respectable houses; the men of no respectability could not get responsible bondsmen?—It would have a tendency to create a monopoly that does not exist at present, because all the bondsmen would be men thoroughly interested in the trade; they would be brewers and spirit dealers, who would pick up the respectable men, and who would do that at once when they found there was no restriction but that of a bond. Any firm whatever, if they found that it became a matter of struggle as to bond and capital, would purchase and hold all the houses in the best situations, which they have no temptation to do now; and if the system of bonds were introduced, these men would be simply their slaves and servants, which they are not now. The capitalists in the trade have no inducement whatever now; all they look to is a steady, active, industrious man who has got a few hundreds, and directly a brewer finds that a man has a few hundreds to go into his house, he says, "With that man I am quite sure; I am safe that the business will be properly conducted."

4638. Can you conceive any stronger or firmer monopoly than for a number of persons under licences to carry on a particular business, and that for that licence they are able to obtain a premium of 500 *l.*, and in one case as much as 1,000 *l.*?—That is quite up to the mark.

4639. But as to London, it is much larger?—There is a very great error in relation to that question, because all the evidence from persons, who speak from theory and not from practice, states that it is the disposal of the licence. It is nothing of the sort; it is the goodwill which is obtained for the business; and it is subject to two considerations, equally applicable to any other business whatever. I would illustrate it in this way: that grocers, or drapers, or druggists will frequently, and do every day in large towns, pay large sums of money for the goodwill of premises the possession of which they have reason to believe will enable them to do a very large trade; but they will give a much larger sum for premises where their own business has been successfully conducted: and so it is with the licensed victuallers. A licensed victualler, when he has expended a large capital on his premises, and put them into such convenient order that the public like them, and he has himself, by attention and industry, got a good trade to his house, it is looked on as a valuable property, and he can command a very considerable sum for it; and I have known it in many instances in Liverpool, in consequence of a tenant who has gone out

out of a house in a good and excellent situation. I know an instance myself of a house I once possessed; I got it for a small sum, in a very excellent neighbourhood, and I disposed of it for a very considerable sum; but why? I had given that house a peculiar value myself; the neighbourhood was precisely the same, the circumstances were the same, there was nothing to induce any one to give me more money for it than I gave, except that by attention and industry I had made a very profitable and large business; and in consequence of that, I obtained a very much larger sum for it than I gave. I think that the Committee ought to be fully impressed with the fact, that those gentlemen who give their theoretical opinions as to the value of licences, do it without the slightest knowledge whatever.

4640. *Chairman.*] Then the business of a publican does not differ from businesses of any other kind. It depends on the way in which it is conducted, does it not, and not upon the adventitious value of the licence?—The adventitious value of the licence is very trifling indeed. Perhaps if a house were tolerably well situated, and a man had to lay some money out upon it, because it was a licensed house, he would give 100 *l.* or 150 *l.* more. It is nothing but what a grocer or a druggist would give for getting hold of good premises.

4641. Mr. *Brown.*] Does not this wide difference exist, of a person who has an exclusive privilege to carry on a trade, and a person who has not. A draper, if he finds a successful draper in his neighbourhood, where there is a large run of custom, from the proximity of a market, or any other cause, may buy a house next door to the successful draper, but a publican cannot?—I admit that; and there would be very considerable force in the argument, if the licences were very few, and the trade very large, that might be admitted; but if you take such a case as Liverpool, where the number of public-houses is so immense, that value is entirely taken out; in fact, there is little or no value I cannot find a situation in Liverpool which is not literally overloaded with licences. It takes all the supposed value that you imagine attaches to the trade entirely away; it is quite imaginary.

4642. *Chairman.*] I understand you to say, from your experience of the value of that, notwithstanding that anybody may set up in the same line as a successful draper or grocer, yet the goodwill of any particular tradesman may fetch a considerable price?—Any successful man in business, who has established a good business, when he retires—it does not matter what his trade is—will get a handsome sum for goodwill.

4643. Is he not afraid of competition in his own business?—He has successfully combated with competition, as in my own case, where I disposed of the goodwill of a licensed house for a very much larger sum. There were quite as many licences opposing me in the neighbourhood as could possibly be put there, yet I got a larger sum, because I had improved the business and made it a good one. I was clearing a good sum by it. The value of the thing in the market was what it would fetch.

4644. Like any other business?—Yes.

4645. Mr. *Barrow.*] I did not understand you to give a complete answer with respect to the security; you stated that the public morality is affected by the number of spirit licences, and that many kept their houses in a disorderly manner, and many of them were kept by disreputable characters. The inquiry of you was whether the public would not be better served if parties applying for their licences were required to give security for their good conduct?—I cannot say that any further security than I have stated would be at all applicable; it would create the very great evil of a monopoly, which does not exist at present.

4646. Is it your opinion that it would diminish very materially the number of persons applying for licences?—I meant in this way, that it would bring capitalists into the field, who would purchase up all the houses that were likely to do the best business, that they would get men whom they could depend upon, that they would back them with their capital, and enable them to keep more trade in their hands than by the present system they possibly could; they would be a number of brewers' and spirit merchants' slaves, and not publicans.

4647. That is, if the other houses are put down?—In any case the command of capital would be brought more extensively into play than it is now.

4648. Mr. *W. Brown.*] Is there not sufficient competition among capitalists to avail themselves of everything that is available, whether it is a beerhouse or a public-house, or draper's shop; the competition among capitalists would prevent that monopoly which you speak of?—I do not think it would, for this simple reason:

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reason: because at present they find a number of persons with a moderately small capital, who will each of them take a house, and the brewer's capital is left intact, to use in his legitimate business; in the other case he would have to embark his capital in the purchase of houses, and the maintenance of these places.

4649. If I know an honest man who is struggling with his family, and choose to become a bondsman for him, what reason is there for excluding that man from participation in the trade?—I do not say there is any against your friend for whom you have given the bond, if he gets no further assistance from you than the bond; and even supposing he is possessed of a few hundreds, if I bring another man, supposing I was a large brewer, and take the house next door to him, and not only give him the bond, but the command of my capital to a large extent, I could then create a monopoly by commanding the market to a greater extent than your friend could with his few hundreds. I should bring thousands against him, and enable the man I brought forward to outsell his next-door neighbour, and in a short time shut him up.

4650. Capital has always that advantage in every walk of life, but want of capital is a circumstance that we cannot control?—But in the present system there is no limitation whatever to the brewer withdrawing it from his legitimate business.

4651. You stated, whenever a party wanted assistance from a brewer, if one was indisposed to give it to him, another would?—I beg pardon, I only stated it thus far: that supposing a licensed victualler was under a pecuniary obligation to a brewer, supposing that was the case, it was only to illustrate how far he was bound to the brewer, it was only that of debtor and creditor; and if he was a respectable man, enlarging his premises, or expending his capital in beautifying and altering, and so on; if he had done that, and had come under some obligation to the brewer, he would only be tied to him as a debtor; he could go to some other house, and if he was doing a good business, the other man would give him the money.

4652. Assuming beerhouse keepers and publicans are both put under the same restraints, would it not be throwing the market open to fair and honest competition?—There is a fair and honest competition now.

4653. Although one class of men has an exclusive privilege that the other cannot enjoy?—By the other, you mean the beer-seller?

4654. Yes.—Any respectable beer-seller, with the immense number of licences there are in Liverpool, may have a licensed house if he has only the capital, and looks about for one; there are plenty to have; the competition is too great; there are plenty to let every day.

4655. Why is there so great a number of applications every year which are refused, if they can be had?—In consequence of the varying temper of the magistrates; they believe they have a chance of getting a licence, and on the chance of it, many very disreputable characters make it a rule of asking for a licence.

4656. Mr. *Gregson.*] Did you say that the more extensive the system of licensing, the more it would bring in capitalists, and more respectable parties?—It would be a temptation to them to bring in their capital, and enslave the tradesman thereby.

4657. Mr. *Lowe.*] What is the number of the Licensed Victuallers' Asssociation you represent?—I should think between 500 and 600.

4658. What is the qualification for admission to it?—He must be of unblemished character as a man of business.

4659. Is that the only qualification?—Yes.

4660. How is that judged of?—By the committee. If a man is known to break the law in any shape or way, and it is considered that he does a disreputable business; if he carries on Sunday morning trading, or subjects himself to fines in any shape or way, the committee scrutinize as far as possible, and reject him; they have repeatedly refused to accept persons of that character.

4661. It is limited to the occupiers of public-houses?—Of course there are many honorary members, and even men in the highest station of society, because they know the object of the licensed victuallers is to elevate their own class, and select the respectable portion, and to discard those who do not conduct themselves properly.

4662. Then you are the representative of 500 of the licensed victuallers of Liverpool, in the recommendations you make to this Committee?—I am.

4663. And those recommendations take a shape by which a good many of the 1,479 would be removed from the trade?—I have not said anything of the sort.

4664. Did

4664. Did you not say that there are many bad characters who ought to be removed from the association?—They are not members of the association.

4665. Are you not come here to represent the minority, however respectable, of the licensed victuallers; to recommend that a portion of those in the same trade, who are not in that minority, should be removed from the business they now practise?—That is not the object.

4666. Is not that the effect of what you have stated?—It is one of the grievances we complain of. We should be very sorry to place ourselves in the invidious position of coming here to deprive others of their means of doing business, seeing the regulation of persons suitable to hold licences rests with the magistrates.

4667. Do you state on behalf of your clients that they complain of the operation of the law as it at present is?—Of the administration.

4668. How came they to say, in their fifth resolution, that the public is satisfied with the operation of the law as it now exists?—The public have never expressed any opinion; no dissatisfaction has been expressed as to the law itself.

4669. You do not say of the law itself, but the operation of the law?—Not of the operation of the law, but of the administration of the law.

4670. Do you say that the public think one thing and the licensed victuallers another?—No.

4671. *Chairman.*] Is what is meant here by the operation the way in which it is administered?—Yes; the public know sufficient of the question to condemn the indiscriminate granting of so large a number of licences.

4672. Is it the fact, that as far as the Licensed Victuallers' Association have interfered, it is to keep the trade as select as possible?—Yes, and not for the purpose of serving their own interests.

4673. Have the regulations and rules of that association all that tendency?—Yes.

4674. Mr. *Brown.*] What is the proportion of the number of licensed victuallers in the association to those who are not in the association?—It is in the same proportion as in London and other towns. We could swell the number very much larger, if we were not so scrupulous.

4675. *Chairman.*] Is the return which you have made of the proportion of convictions for drunkenness in different towns, for the purpose of showing that the greater the facility afforded for selling spirits the more is the drunkenness?—Yes.

4676. Mr. *Brown.*] With respect to granting licences, supposing the parties who ought to give bonds could not get respectable bondsmen, would it not weed the trade of those disreputable persons?—I believe there would be parties enough to give the required bond to overstock the trade with people, and by that means create the very thing we wish to avoid, namely, the monopoly, by calling capital into the field; it would be the strong back against the weak one.

4677. That is always the case?—It would be more particularly so then.

4678. Would it not exclude disreputable persons?—I know many very great scoundrels, who have plenty of money; it would not exclude them for that reason, that they would be able to get the money.

4679. But if they behaved ill, they would forfeit their bond?—They would be prepared to do that, in the instance of the beer-sellers; although it is so low a grade, they do that, and pay very large sums, because they make a profitable, although a dishonest trade.

4680. It would be a penalty on their misconducting themselves, and also a forfeiture of the licence?—It might be that; but there are plenty of modes of dealing with it if they have only the money. It is a question of capital only.

Lunæ, 20° *die Junii*, 1853.

MEMBERS PRESENT.

Mr. Villiers.	Mr. Gregson.
Sir George Grey.	Mr. W. Brown.
Mr. Ker Seymer.	Sir G. Goodman.
Sir J. Pakington.	

THE RIGHT HON. C. P. VILLIERS, IN THE CHAIR.

Mr. *George Ridley*, called in; and Examined.

Mr. *G. Ridley.*

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4681. *Chairman.*] WHERE do you reside?—At No. 27, Crutched Friars.

4682. Are you a publican?—No, I am not; I have been a long time connected with the wine and spirit trade, independently of which, I have been conducting offices for the analysation of alcoholic liquors, to determine their values, properties, strength, &c. It is an office for the trial of the component qualities of alcoholic bodies, such as wine, beers, &c.; it is confined to wine, beers, and cordials.

4683. Have you had any opportunities of knowing the system of licensing public-houses?—I have, for a considerable time; I wish to confine my observations to the metropolitan districts, particularly.

4684. What is the information you have to state to the Committee?—I think the present system is replete with abuse from magisterial domination; for there is no control exercised over the morals of the people, and hence abuses have crept in from the protection thrown around them, which has led, among other things, to the vending of adulterated malt liquor to a very large extent, which is a great moral crime against the poor. I think that the want of accommodation, which it was originally intended public-houses should have, has now been put aside altogether, by the conversion of the old-fashioned houses; the tap-room and parlour, designed by the Legislature in the words of the Act, to be in alehouses, or taverns; that a great portion of those houses have now been converted into gin palaces, where the public have no other accommodation than by standing before the bars; and the mode in which they drink the drugged liquors, gulping them hastily down, is calculated to do their health and morals great injury.

4685. Will you keep in view the connexion between the licensing system, and any evil you can state?—I think that the licensing system does not protect the morals of the people. The magistrates neglect to visit the houses during the interim periods of the general licensing day, which is held annually, to renew their licences, when they pay a small fee of 7*s.* 6*d.* for merely going *pro formâ* before the bench. The magistrates do not take pains to investigate how these houses are conducted, and any abuses that may creep in in the shape of fines, levied for adulterating their liquors, instead of putting in force the power they have to deprive them of their licences, they take no notice whatever. In furtherance of that, in the year 1852, the Honourable Member for Lambeth, Mr. Williams, moved for a return, at my request, of the number of licensed victuallers within the metropolitan districts, for the years 1850 and 1851; contrasting them with the number of beershops within the same district; and also, to inquire how many of the licensed victuallers had connected the wholesale with the victualling trade; and, further, to ascertain how many of the licensed victuallers had been fined for adulterating beer, compared with the like number of the beershop keepers; and the result of that inquiry is as follows: In 1850, the number of licensed victuallers in the metropolitan districts, appears to have been 4,399. In 1851, 4,384; showing a decrease of 15. In 1850, the number of beersellers was 2,221; and in 1851, 2,379, showing an increase in the number of beersellers of 158. In 1850, we find by this return that 78 licensed victuallers had

had taken out 10 guinea spirit licences to supply thewhole sale trade; this they carried on on the same premises as they were licensed by the magistrates merely to carry on the trade of an inn or tavern within the words of the Act. In 1851 there were still 76 of that character. In 1851, we discover that 17 licensed victuallers were fined by the Excise for adulterating their beer, and the total mitigated penalties (for the Excise Commissioners always mitigate them; if they order 200 *l.* to be paid they will take 20 *l.*); I recollect on this occasion they were nominally knocked down to pay 200*l.*, but the total amount of fines paid appears to be 295 *l.*

4686. Is that the sum that the 17 paid?—Yes, that is the sum paid, 295 *l.* Now, of beerhouse keepers there was only one penalty for adulterating beer; and the amount paid was 15 *l.* I beg to remark, in looking at these numbers, that the magistrates, in 1851, in the metropolitan districts, have certainly kept a great restraint upon the increase of licences, inasmuch as there appears 15 less in the year 1851 than there were in the year 1850; while the beershop men had increased 158.

4687. Do you mean that the licences were not renewed, and that there were 15 less?—There were 15 less.

4688. Sir *G. Grey.*] Are you giving this information from a return which was presented to Parliament, upon the motion of the Honourable Member for Lambeth?—I am.

4689. Was that return printed?—I think not, but I presume there is a record of it.

4690. What was the date of it?—April 1852. Now there is more excuse for a beershop man, if I may so speak (although there is no excuse for a fraudulent act), in adulterating his beer, than there would be for a licensed victualler, because the licensed victualler derives his profit from spirits; and he can therefore afford to take a less profit upon that particular article upon which the beershop keeper entirely exists, the sale of beer; whereas it is shown in this instance that the offences were considerable on behalf of the licensed victuallers, and the fact appears, there was only one on the part of the beershop men. This only forms a small portion of the enormous quantity of adulteration which is carried on by the ginshop men.

4691. State why?—In this way: the chief ingredients in reducing beer to increase the bulk are composed of sugar, salt, and water. Now a publican would not adulterate his beer during the hours of business; he would take the precaution of doing it when the house was shut up. This is upon their own admission to myself and others, that if a publican was detected in adulterating his beer he ought to be flogged for a fool. In putting the sugar in at the bung, all the precaution necessary is to take care that there is none of the saccharine matter on the cask.

4692. Is there great facility in adulterating gin particularly?—No, that is merely reduced; malt liquor is the chief article adulterated.

4693. *Chairman.*] Are we to understand by that, that there is great facility to the publican to do that; and that there is not equal facility to the beerseller?—I did not say so; I say there is more excuse for the beershop keeper adulterating his beer, than for the licensed victualler, as he derives a profit from all other articles.

4694. Is there no excuse for the publican being detected, the facility for adulteration being so great?—The facility is great.

4695. Has he great opportunities of doing so?—Yes; the facility must be great, because the beer generally appears before you in a very reduced state, it is made so weak.

4696. Do you mean to say that the Excise officer could not easily detect him?—No, the best individuals that could detect the adulteration would be the brewers themselves. If I ask a publican, Whose beer do you draw? and he says Barclay's, then I will tell him it is reduced so-and-so per cent.; but unless he declares the brewer to me, I cannot tell him to what extent he has reduced it. There should be a standard strength; brewers have different strengths.

4697. That is only one peculiar mode of adulterating beer?—Yes.

4698. To give it bulk?—Yes.

4699. Are there not tests, which are pretty certain to ascertain whether beer is adulterated or not?—No, you cannot tell with sugar and water; you cannot distinguish the adulterated malt liquor by the addition of sugar, from malt, unless it be by taste and smell.

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4700. Can you tell what are the ingredients that are usually put in the beer in order to adulterate it?—Yes; the chief object is to increase the bulk, and I find several specimens in this way: to a barrel of porter 12 gallons of liquor, four pounds of foots, one pound of salt; and then there is sometimes, to bring a head up, a little vitriol, cocculus indicus, also a variety of things so very minute, that unless they are admitted by recipes in their hands, we cannot easily detect the small proportions.

4701. You said that informations are laid against publicans for adulterating their beer. You gave a certain number that were informed against, and then you stated that those gave you no idea of the extent to which adulteration is carried?—No, it does not, because we find many who are selling this drugged article who I am familiar with myself, and I have brought up four samples with me.

4702. You say that you can ascertain it; you know that it exists to this extent; why cannot the exciseman and other people ascertain that as well as you?—It is difficult for an ordinary exciseman to ascertain, but the chemists of the Inland Revenue can; it is their province to be familiar with the strength and properties of beers; and it is my province to be familiar with the strength of almost all the brewers' beers.

4703. How is the magistrate to know it, unless the information is laid; we want to know how it is, in the first place, that these informations are not laid? Why is it the magistrates' fault that these people get their licences renewed, although they adulterate their beer, when no information is laid?—It is an old adage, that what is everybody's business is nobody's; there should be a public inspector to investigate the matter; the brewers are quite indifferent about it; they would never cause an information to be laid against their own customers.

4704. Sir *G. Grey.*] The question is, how do you connect this with the licensing system; and what other system would prevent this adulteration?—I think the present protection of the licensing system is replete with mischief, and holds out a premium to fraud, because it prevents proper competition.

4705. *Chairman.*] You were understood to say, that there is competition in the sale of beer; and also, that this adulteration does not take place to the same extent in the beerhouses as in the licensed victuallers' houses?—It appears so by this return.

4706. What is the particular inducement to the licensed victualler to adulterate, which does not operate equally on the beerseller?—The licensed victualler has several objects in view; first o all, to prevent any free houses opening for the sale of beer round his house; that is one object. There is another very important object common among licensed victuallers: when they let their houses, they determine the value on the number of butts they draw per month. There is another thing: the custom of selling beer at 3 *d.* per pot, draws the poor people wherever it is a halfpenny or a penny per pot under the full price. The full price is fourpence; the medium price is threepence halfpenny, and the lowest price is threepence. Now, for the sake of saving the halfpenny per pot, poor people would naturally be attracted to purchase the larger bulk of beer for the least money. It answers the publican's purpose in the shape of profit much better than it does by selling it in the genuine state. If he sold it in a genuine state, the beershop man would derive considerable benefit beyond what he does at present. If the publican were to maintain the quality of his beer, it would enable the beershop man also to maintain his character, by selling it genuine, and selling a larger quantity. The beershop man is thrown in the shade by the nominal cheapness of the threepenny porter sold by the ginshop man. Now, take for example the standard price of all the large brewers of porter; it is well understood and agreed between them, that they shall all have a uniform price of 31 *s.* 6 *d.* per barrel.

4707. Is that what the publican gives to the brewer?—Yes; 31 *s.* 6 *d.* is what he gives to the brewer, net.

4708. You say there is an agreement between all the brewers?—There is an agreement between all the great brewers that there shall be one uniform price.

4709. Are you speaking of any actual combination or association?—There is a combination among the large brewers.

4710. How is that?—It is understood by periodical meetings, that they shall all agree to one price. Barclay, Whitbread, Truman, and all such large brewers, have one uniform price of 33 *s.* a barrel, with 5 per cent. off.

4711. How

4711. How can you distinguish a large brewer from any other; supposing there is a combination of 20, if there are 10 that do not belong to it, they can sell their beer, can they not, at a different price?—I am speaking now of all those well-known large brewers, such as Barclay, Whitbread, Truman, and all other large porter brewers.

4712. Do they combine together?—Yes; and 31 *s.* 6 *d.* is the net price.

4713. Sir *G. Grey.*] Are there any porter brewers that do not belong to that association; and if so, at what price do they sell their porter per barrel?—I happen to know one or two small brewers who sell an excellent article at 28 *s.* per barrel, but they are very few, compared with the large brewers, who supply the wants of this large metropolis.

4714. Mr. *K. Seymer.*] You stated that although they receive the same price their quality is not equal?—It is not; I find a difference of 5 *s.* a barrel; that is to say, some make three-and-a-half barrels of porter out of a quarter of malt, and others make four-and-a-half.

4715. Mr. *Gregson.*] If these small brewers sell as good an article for 28 *s.* as the others for 33 *s.*, would they not supersede the large brewers?—They have not the means of supplying them; again, they must embark in the loan system; and they have not the means to get houses into their possession.

4716. *Chairman.*] Is there not an evasion of the agreement in that case, which the brewers come to; if the quality is inferior, that any one brewer supplies, of course there is a greater profit derived from it to that particular brewer?—Yes.

4717. Then there is no advantage in the combination if that fixed price is evaded by the article being of inferior quality?—I do not say that the beer at 28 *s.* is inferior; I say it is as good.

4718. You are understood to mean that even these brewers do not agree on the quality that they shall sell at the price which they fix?—No, they do not agree in quality.

4719. Then if any one brewer sells an inferior quality at the price which they fix, he has an advantage over the one who sells the best beer, or a better article?—No doubt; but there are very few men, compared with the bulk of licensed victuallers, who are free from their brewers. If one were to complain to his brewer that he thought the beer ought to be better, they would very likely tell him that he was the only one that ever complained, and that he had better go home and mind his business, and pay off his loan; therefore he has no opportunity of complaining on account of the loan he is hampered with.

4720. Does not that tend to defeat the combination itself; is it not the brewer who sells the best who might have a right to complain of the other brewer who sells the inferior article?—I said before, that I thought there ought to be a standard strength to determine quality in the porter trade, but it is not so. I cannot tell why they should not agree that they should be all the same, and there is no reason why there should not be one uniform standard.

4721. Is it not a matter of notoriety that the quality supplied by the great brewers does differ?—Yes.

4722. Sir *G. Grey.*] Do these great brewers supply porter to the beerhouses as well as to the public-houses?—Yes, some of them.

4723. Extensively?—No; I think, for the most part, when they supply the beerhouse, they have an eye to the ultimate object of getting a licence for it. Messrs. Whitbread supply beershops; Harvey, Combe, and others, do so too.

4724. If they supply beershops equally with public-houses, how does this arise from the system of licensing public-houses; how do you connect this abuse of combination among the brewers to supply porter at a high price to the public-houses with the system of licensing, if the same result takes place with beer-houses which are licensed under a different system?—I have stated before, that the beershop men are confined entirely to the sale of beer; and being confined to the sale of beer, they have no other profits to rely upon. If a beershop man were to reduce his beer, he would have no trade at all; their beer is better than the cheap public-house beer.

4725. *Chairman.*] Do you state that the beer is superior, from your own experience, to that sold by the licensed victuallers?—I do.

4726. Sir *G. Grey.*] Do the great brewers supply beer of a better quality to beerhouses than they do to the public-houses?—Certainly not.

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4727. *Chairman.*] Where do the beerhouses get their beer?—From large and small brewers. The beershop man does not adulterate his beer to the extent that some publicans do.

4728. Sir *G. Grey.*] The beerhouse-keeper cannot afford to adulterate to the same extent as the publican, because it would injure his trade, and he could not make that up in any other way?—Certainly not.

4729. Therefore it is his interest to sell beer in a purer state to his customers?—Precisely.

4730. *Chairman.*] Then this licensing system does nothing for the public, in securing them a good article?—None whatever; I observe that a barrel of beer is charged at 31 *s.* 6 *d.* net; that is 36 gallons. That is increased, by adding water with sugar, to 48 gallons; and that is sold at 3 *d.* per pot, which yields a profit of 15 *s.* a barrel.

4731. Sir *G. Grey.*] If a beerhouse-keeper's licence enabled him to sell spirits as well as beer, would he not be precisely on the same footing, as to interest, with the licensed publican?—The competition would be different altogether; no man can get into a good public-house now in the metropolitan districts, where there is any trade at all, without paying at least from 4,000 *l.* or 5,000 *l.* If the trade were thrown open, you would annihilate these premiums, and bring all things down to their fair value.

4732. *Chairman.*] Does this licensing system create a monopoly?—Yes.

4733. Is fraud resorted to to get a profit on the business?—No doubt of it; there is one house, which I have caused some samples to be taken from, on the Surrey side of the water, where they draw 48 butts of porter a month; that house is in Whitbread's trade, and they sell their beer at 3 *d.* per pot; I beg to be excused mentioning the name, but they draw 48 butts a month, and the price to the public is 3 *d.* a pot; and from the strength of that beer, I clearly discern a profit of 45 per cent. by that practice.

4734. Mr. *Gregson.*] What practice?—The fraudulent practice of reducing.

4735. Sir *G. Grey.*] Do you mean that the beer has been so much adulterated that the profits must amount to what you have stated?—Yes.

4736. *Chairman.*] Whose house is that?—I am speaking the truth, and do not care a straw about mentioning the name; it is a notorious large house for trade; 20,000 *l.* premium was once offered for that house.

4737. Sir *G. Grey.*] Do the public like the beer, and consume a great deal of it?—Yes, there is a very large draught.

4738. Is it simply that the beer is weak, or that it is unwholesome?—It is not only weak, but it is unwholesome; to keep up a froth or a head, sometimes there are things put in which are not altogether right, such as copperas.

4739. Mr. *K. Seymer.*] Are you aware of that particular mode of adulteration in this case?—I am not aware of it in this case.

4740. Sir *G. Grey.*] The adulteration in this case does not appear in any degree to check the consumption?—Not in the slightest.

4741. Mr. *Gregson.*] Have you analysed this beer yourself?—I have.

4742. Mr. *W. Brown.*] But if a beerhouse-keeper placed himself alongside that house, and sold a better article, would he not get the custom?—Not alone; because there is such a large quantity of gin and other things sold, and the man having established himself, it would be difficult to displace him; perhaps for a time he might go ahead, but he would find in the end it did not pay.

4743. Sir *G. Grey.*] Are there any public-houses or beerhouses in the immediate neighbourhood of that house?—Several; this is in the neighbourhood of the New Cut.

4744. Are the public-houses and beerhouses in the neighbourhood of that house doing a large amount of business?—I dare say they do; they all seem to thrive.

4745. Do they sell porter at threepence per pot?—Not all of them; some charge threepence halfpenny.

4746. *Chairman.*] Do you know of any applications for licences in that neighbourhood which have been refused by the magistrates?—I do not. I have shown a profit of 45 per cent. by this practice, whereas if they sold beer in the genuine state, as they get it from the brewer, it would yield them about 4 *s.* a barrel, or 15 per cent. There is another point I wish to mention to the Committee, and that is, the distinction between public-houses as to the mode in which they

they are conducted; some are conducted admirably well; they have all the respectability of the old-fashioned public-houses, parlours, tap-rooms, and every accommodation, whilst another class are carried on as ginshops, without the slightest accommodation, and are not public-houses in the sense intended by the Act of Parliament for the public convenience. Then there is a class of people who outride everything, for they have no more the appearance of a public-house than the most respectable wine merchants in the country; I take the conduct of those houses as a model for altering the licensing system.

4747. What houses are these?—These are houses licensed by the magistrates; the proprietors allow no drinking whatever on the premises, and have a very large trade; there is one I can mention, Mr. Deputy, William Stevens of Bishopsgate-street; he is deputy of the ward, and a member of the Common Council, and possesses very nearly as much influence as a licensing magistrate. This gentleman sells nothing to be drunk on the premises; he will not sell beer at all, although beer is the foundation of his licence.

4748. Sir *G. Grey.*] Does he hold the ordinary licence held by licensed victuallers?—He does; but does not conduct his house in any shape like one. The 6th of Geo. 4, c. 81, s. 14, states, "And be it further enacted, that no licence for the sale of any spirits or foreign wine, or sweets or made wines, or mead or metheglin, by retail, to be drank or consumed in or upon the house or premises where sold, shall be granted to any person or persons who shall not have, and produce a licence 'for the sale of beer,' cyder, or perry by retail, to be drank or consumed in or upon such house or premises in that behalf granted as herein by this Act before mentioned; and if any licence for the sale of any spirits or foreign wines, or sweets or made wines, or mead or metheglin by retail, to be drank or consumed in or upon the house or premises where sold, shall be granted to any person or persons other than as aforesaid, such licence shall be and is hereby declared to be absolutely null and void to all intents and purposes; and all and every such person or persons as aforesaid shall be subject and liable to all and every penalty and penalties imposed upon persons selling spirits or foreign wines, or sweets or made wines, or mead or metheglin, by retail without licence." Therefore beer is made the arbitrary foundation of all the licences; you must have a beer licence, or you cannot sell wines or spirits; this section of the Act assuredly ought to be repealed.

4749. *Chairman.*] What is the peculiarity of Mr. Deputy Stevens' house?—He sells no beer.

4750. He might sell beer if he chose?—Yes.

4751. What does he sell?—He sells spirits and wines, to be taken off the premises. He has not a house affording accommodation. Assuming I was desirous of opening a house within a few doors, or close by Mr. Stevens, there would be an opposition to granting a licence to me on account of Mr. Stevens. My answer would be, he is not a publican by the conduct of his house; he is only a publican by virtue of the spirit licence. He derives all the cream of the retail and wholesale trade, without affording the public any accommodation.

4752. Would not that satisfy the magistrates, and induce them to give a licence to the publican?—No; we say you obtain the licence to carry on the trade as a licensed victualler; instead of doing so, you have exceeded that privilege granted by such a licence in trading, which wholesale dealers are not permitted to do; you are an interloper in the trade of a licensed victualler; you are one by licence only, and not by the mode in which you conduct your business.

4753. Is not that satisfactory to the magistrates, and do they not then grant a licence to the publican who affords the accommodation on his premises which the public require?—We say there should be no licence granted unless there is that accommodation.

4754. Sir *G. Grey.*] Has there been any application made to obtain a licence in that neighbourhood, on the ground that the public have not received the accommodation they were entitled to in Mr. Stevens' house?—I cannot say.

4755. How can you say that the magistrates have not granted a licence?—They are very reluctant to extend any fresh licences; they pretend to be alarmed about a man doing well; they seem to be afraid that he will break up.

4756. You cannot say, in this case, that any application has been made and refused?—I cannot; I can only say that Mr. Deputy Stevens conducts his house more like a respectable wine merchant, being a licensed victualler; he affords no accommodation to the public.

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4757. Is he entitled by law so to conduct his house?—If I demand beer from him, I should say he would be bound to sell it to me; but he has said, if he was so bound, he would not sell it under a shilling a pot.

4758. *Chairman.*] Is your object in making this statement to suggest that there should be no licence granted for a public-house unless there was every accommodation afforded to the public in that house?—Yes, certainly. I should say that that should be made a condition, and no licensed victualler should have a licence to carry on the trade, unless he afforded the accommodation which the public required, which was the case for many years past, so far as regards taprooms and parlours.

4759. Is it further your opinion that, if the trade were opened, the public should be accommodated?—No doubt about it.

4760. And if Mr. Deputy Stevens did not provide accommodation, somebody else would?—No doubt.

4761. Sir *G. Grey.*] Do you think that if the trade was opened, what are called gin palaces would be changed into ordinary public-houses?—Yes, there is no doubt the great premiums ruin the house. If a house has been kept as an old fashioned public-house, and I wished to get an extra thousand for it, I should convert it into a gin palace.

4762. Do you not think the effect of throwing open the trade would be that there would be multitudes of gin palaces?—I would not permit the trade to be thrown open to that purpose, to allow people to stand before the bar; that is a demoralising practice. All spirits sold on the premises should be drunk in the parlour, where people would have an opportunity of mixing them with water.

4763. Do you, then, contemplate placing restrictions on the exercise of the trade?—Yes; but not magisterial domination.

4764. Mr. *K. Seymer.*] Do you believe, that if there is a desire to drink spirits raw, to make people go into a taproom would make any difference?—No doubt about it; these gin palace houses have been raised in this manner, to tempt people to run into them. It becomes a common practice, from the neglect of the magistrates, and their being lukewarm and indifferent in not regulating them, they have wretched accommodation. They are inviting in their appearance, and tempt people to enter.

4765. Sir *G. Grey.*] When you speak of the neglect of the magistrates, do you mean, in your opinion, that the magistrates ought to refuse to renew a licence to the keeper of one of these gin palaces, except on the condition of its being converted into an ordinary public-house with a taproom?—I do, and some ten or twelve years ago there was a determination that they would do so.

4766. *Chairman.*] What magistrates are you alluding to?—The licensing magistrates.

4767. What district?—The district of Shoreditch.

4768. Sir *G. Grey.*] How long was that resolution adhered to?—It seems to have passed away altogether; it is eight or ten years back. There is no notice taken of it now.

4769. Was that resolution passed eight or ten years back acted on for any, and for what time?—I cannot tell to what extent; it was to some extent.

4770. Was the effect of that resolution, for any time, to diminish the number of gin palaces?—I cannot say.

4771. Mr. *Gregson.*] Are you not aware that the magistrates will not grant a licence for merely a gin palace?—They know nothing about a gin palace; they only know inns, alehouses, and taverns by licence.

4772. Mr. *Brown.*] Would it not be equally contaminating to those parties who resort to the gin palace, if they were permitted to congregate in parlours or taprooms, and there associate with parties of as bad character as themselves, as drinking at the counter of the gin palace?—Not at all; because these taprooms would be open to the police, and they could enter the house; the police are the only observers of what is going on in public-houses, and the police have the opportunity of entering at all times.

4773. Have they not an equal opportunity of entering the gin palaces?—Yes, but they take no notice; they never interfere with them.

4774. *Chairman.*] Are you speaking of a particular district?—I am speaking of the metropolitan district.

4775. Do you not know that the magistrates have reports made to them of the character and conduct of these houses, before the renewal of the licences to these houses,

houses, laid before them by the police?—They have; but very few of them are taken away.

4776. How is it with respect to those cases where they have been informed against for adulteration; do you believe that the magistrates would refuse the renewal of a licence to any man who had been convicted in the interval of adulterating his liquor?—Do you wish to know whether there are any of those licences taken away?

4777. Yes; as far as you know, was there any refusal of licences on account of adulterating the liquor?—I cannot say; but it appears there were 15 short the year after. In the year 1851 there were less than in 1850; but this deficiency could not arise from this cause, seeing that the fines for adulteration only took place in 1851.

4778. Do you know whether those 15 houses that no longer exist were deprived of their licences?—No.

4779. Is it not against the tenor of the licence to adulterate the beer?—Yes.

4780. If that were proved before a magistrate, would not the man be convicted?—He would; in these instances the Excise convicted.

4781. Would it not be an offence, before a magistrate, to adulterate the beer?—Yes; sufficient to forfeit his licence.

4782. Is it not distinctly stated in the licence that he is not to adulterate?—Distinctly; there is the form (*handing in the same*).

4783. Is it always the Excise officer who lays the information?—Yes; and these convictions were before the Excise.

4784. Is there always evidence given of these convictions at the time of the renewal of the licence?—There should be; and I believe there is. It is provided for in the Act that it shall be so.

4785. You do not know that the magistrates have ever refused the renewal of a licence upon a conviction for adulteration?—Never.

4786. Do you know the contrary?—It never became public notoriety in my experience; we never observe that they lose their licence for deteriorating their beer; it never came under my notice.

4787. Are there Excise convictions as well as convictions before the magistrate for violating the Excise laws?—Yes.

4788. Are they before the Commissioners of Excise?—Yes.

4789. Mr. *Brown.*] Have they a local court in London?—Yes, in Broad-street.

4790. *Chairman.*] Do they take evidence of adulteration?—Yes; before that court, there is no doubt about it; I have been there and heard it.

4791. Mr. *Brown.*] Can a party either send his case before a magistrate or before that court, at his option?—I rather think if it is an Excise information, he has not the option.

4792. Are they compelled to go before any particular court?—I think they are compelled to go before the Excise, if it is an Excise information; I think it is optional with the Excise to send them before a magistrate, but not optional with the party to make the choice; in small matters they frequently go before the magistrate; I do not think that the delinquent has the option.

4793. *Chairman.*] Has the brewer any interest in protecting a man who is charged with adulterating his liquor?—He does not meddle with him; I have heard it said to the collector of a brewer: "I sell your beer genuine, and I charge 4*d.* a pot for it; the man opposite, who is in your trade, he charges 3*d.* for it;" how does he do it? The rejoinder of the collector has been: I do not know; he pays us; we have nothing to do with it; you can do the same if you like.

4794. Is it against the interest of the brewer that the beer should be adulterated by the publican?—I should think so; but yet, from their conduct, you would come to a different conclusion. They never interfere with it.

4795. Does it not get the beer a bad character, when it is known?—Yes; but the object is to keep up the trade; the premium worth of the house is everything.

4796. When it is adulterated in order to lower the price, there is greater draught?—Yes; because it is sold cheaper.

4797. And then a greater value is given to the house?—Yes; they always boast about so many butts a month.

4798. Then the house does not belong to the brewer?—The house in reality does; because if a man wants to enter a house, and has got to pay 5,000*l.* or 6,000*l.* for the goodwill, the chances are that he has only got 1,000*l.* of his own

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money, and he applies to the brewer for a loan, to assist him to pay the balance, and deposits the lease; in fact, he never has the lease; it is just put in his hands, and assigned back; he never touches it, but for a minute; therefore this loan system upon leases has the effect of a control by the brewer over the publican, the same as if it were his own house.

4799. Mr. *K. Seymer.*] Does not the brewer care how much the beer is adulterated, as long as the sale of his own genuine beer to the publican is not diminished?—No, he does not.

4800. *Chairman.*] What is the particular office of which you are the manager; have you any active functions to perform with respect to the detection of adulteration?—No; we confine ourselves to subscriptions. Publicans bring their beer to me, and ask me to try the strength of it; we charge them 5*s.* for the test. It is not my province to go out to inquire.

4801. Sir *G. Grey.*] Is it a check upon the brewer who supplies the beer, and not as a benefit to the public?—Sometimes publicans will complain that they think the beer is not good enough for the money, and ask my opinion as to the value of it; we arrive at that by the strength of spirit it contains.

4802. Do you ever test, not in the interest of the publican, but of the public, and lay informations against publicans who are selling adulterated beer?—Never.

4803. That is not your object?—No.

4804. *Chairman.*] Is it a society for the purpose of preventing adulteration?—Not at all; it is for the purpose of being remunerated for trying the strength of beer, and value of wine.

4805. Sir *G. Grey.*] Your object is, is it not, on the part of the publican, to ascertain that the beer supplied by the brewer to him is pure and unadulterated?—Yes; and the strength.

4806. But does the business which you conduct in any degree contribute to prevent adulteration by the publican when the beer is once in his possession?—None whatever; I am not employed by any one for such a purpose.

4807. *Chairman.*] If one of the public wished to have the benefit of your services in that way, and were to pay the requisite fee, could he get the beer tested?—Yes; my office is open to any one.

4808. Mr. *Brown.*] What is the meaning of the word "Entire;" is that good and unadulterated?—It is a very old sign; they mean to say it is an entire butt of something; it is not intelligible. I now hand in circulars of various houses licensed by magistrates, but conducted as wholesale and retail wine merchants; these afford no accommodation to the public.

4809. Sir *G. Grey.*] In those cases, what is the object of obtaining a publican's licence?—A very important one indeed; we are restricted as wholesale dealers from selling less than two gallons of spirits, of any kind; if you go to a wine merchant and buy a quantity of wine, whatever your order may be, and ask him to accommodate you with two or three bottles of brandy, or any other spirit, his answer is, I cannot do it; we are not allowed to sell less than two gallons, or 12 bottles. By getting this retail licence, Mr. Stevens, Mr. Fearon, and others of that kind, have the cream of the retail trade; and they have a considerable advantage of which wine merchants are debarred. I pay 10 guineas a year to sell spirits; I pay 10 guineas a year to sell wine. If you come to my house for a dozen of wine you can have it; but if you ask me to let you have a couple of bottles of brandy, you cannot have less than 12 bottles, equivalent to two gallons; therefore the great object is to get the magistrates' licence to carry on the retail spirit trade, which you cannot carry on by any other means than by a magistrate's sanction.

4810. Then having got the licence, in this case do you mean that they do not carry on the only trade which that licence enables them to do, but only a portion of it under advantages greater than those possessed by persons who get the ordinary licence to carry on the wine trade?—Precisely; they have the advantage of selling a small quantity under two gallons, to a glass. They say, Bring your small bottle, and I will fill it with spirits; or if you want a dozen of sherry, port, &c., I will sell it to you, or a bottle of brandy.

4811. *Chairman.*] Is that one of the inconsistencies which arise out of the present state of the law, and which you wish to see remedied?—Yes.

4812. Sir *G. Grey.*] Is your remedy for that, to oblige the person who obtains the magistrates' licence or certificate, to carry on the trade to the full extent that the

the licence authorises him?—Yes; that he should be compelled to sell all the articles mentioned in his licence; to maintain accommodation for the public, of parlours and taprooms; and also, that the vile system of spirit drinking before the bar should be abolished, and that all wines and spirits drunk on the premises should be drunk in parlours or taprooms; and all spirits served at the bars should be served in the customers' bottles, and taken off the premises.

4813. *Chairman.*] Is that your view as to the mode in which the trade should be conducted; and is not what you wish to convey to the Committee this, that when the licence is taken out, the man should carry out the trade specified in that licence?—Yes.

4814. Sir *G. Grey.*] Have not the magistrates the power now to enforce a compliance with those conditions, by refusing to renew a licence, on account of a man's conducting his business in the way you have spoken of; and thus to enforce a compliance with those conditions?—They have.

4815. *Chairman.*] Can the magistrate refuse a licence upon the ground that he does not carry on the trade in the way you may prescribe to him?—Not exactly so; the certificate before you shows that the object of that licence was, that they should be victuallers or innkeepers.

4816. Do you believe the state of the law to be, that if the magistrates were to refuse a spirit licence because a man carried on his business in a way you think objectionable, and if he were to appeal against that decision, that the decision of the magistrate would be confirmed?—I believe so, because it is upon this condition that the licence is granted; that you are to retail all the articles which you are licensed to have consumed upon the premises, and that there shall be fitting accommodation.

4817. Mr. *Gregson.*] Would you refuse a licence to such a house as Mr. Deputy Stevens'?—I would as the law now stands.

4818. Is it not desirable, on the ground of temperance, to grant a licence to such houses as Mr. Stevens'?—If the trade were thrown open it would meet this case; I bring this before the Committee to show that these houses may be made the models of a new system; that you should allow any one to take out a Currall's licence to retail spirits to be taken off the premises, like Stevens', Currall's, Fearon's, and many others I could mention; that the mode in which they conduct their business should be held to be satisfactory by the Legislature; that they should grant permission to any responsible housekeeper, under certain regulations, a reasonable bond, or something of that kind, to retail spirits in small quantities, not to be consumed on the premises, but taken off.

4819. *Chairman.*] In any quantity?—Yes.

4820. However small?—Not less than half a pint.

4821. Spirits, but not wine?—We can do that now with wine; we can sell a pint of wine by virtue of a ten guinea licence; you may purchase a pint of wine from a wholesale merchant, but you must not drink it on the premises.

4822. Do you say the wholesale wine-merchant can sell a pint of wine?—He can sell a pint of wine to be taken off the premises; but it must not be drunk on.

4823. Does that apply to spirits as well as wine?—No, he cannot sell less than two gallons of spirits.

4824. Under a ten guinea licence may he sell any quantity of wine, however small?—Yes, but it must be drunk off the premises.

4825. But there is a limit as to spirits?—Yes; not less than two gallons.

4826. Would you wish to see any change in that respect?—I should like to see that reduced to a single bottle, not less than half a pint.

4827. Mr. *Brown.*] Before the Committee met, you intimated that public-house licences were granted through favouritism; have you any proof of that to bring forward?—I have a case bordering very much not on favouritism.

4828. *Chairman.*] Within your own knowledge?—Yes, I can speak to the fact within my own knowledge. It is the case of Mr. Wallis; it was before the Committee in 1849.

4829. The case was brought before the Committee; was it not in the Lords?—Yes; Mr. Wallis was a very old licensed victualler in the Borough of Southwark; he had been established some fifteen years prior to the year 1831. I myself was for five years within three doors of him in the Borough, and had frequent opportunities when he kept that public-house of knowing his character. In 1831 he purchased of the Bridge House Estate, a plot of ground on 80 years' lease; at present there are 60 years unexpired. I believe the ground rent is 80 *l.* per annum.

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annum. Mr. Wallis's house was finished about the year 1832; I think it was finished at the opening of London Bridge. It is a most substantially built house, immediately at the foot of London Bridge, and it is bounded by property, both right and left, belonging to Alderman Humphery, continuing down Duke-street. This plot of ground was secured through the influence of Alderman Wood, in his day. It had been promised to Mr. Wallis, but some doubt was expressed whether he would get it or not, from certain undermining work that was then going on with a certain alderman. However, he did get it.

4830. The ground or the licence?—The plot of ground; all the ground, except the plot of Wallis at the corner, belonged to Alderman Humphery. Mr. Wallis built upon his plot, and immediately applied for a wine and spirit licence, and he continued to do so, up to the time of his death, every licensing day; since which, John, the son, the present proprietor, has applied, up to the last licensing day, but without success; on all occasions the licence has been refused him. In 1835, Alderman Humphery built a very handsome, extensive house, called the Bridge House Hotel, which was opened in the year 1835. A licence was immediately granted to his brother-in-law; that is, Mr. Humphery's sister's husband, a Mr. James Bruce Strachan. Mr. Strachan continued there some few years; he knew nothing of the public-house trade, and appointed a Mr. Ellis to conduct it; after which a Mr. Joseph Softlaw became the manager, and ultimately the licence was transferred to Mr. Softlaw. The base of this building, which is some 25 feet below the level of the High-street, the ground being raised by the approaches to the bridge, was underlet, not by the nominal licenser, Mr. Strachan, or Mr. Softlaw, but it was underlet by Alderman Humphery to a Mrs. Rebecca Downing at 100*l.* per annum; she now keeps the Dyers' Arms, 7, Webb-street, Bermondsey. She was in the tap about ten years. During her stay, an accident occurred, which brought out an Excise information against her. She had been purchasing some spirits of a spirit merchant, and the house which sold them permitted the spirits to Mrs. Downing. Mrs. Downing had no credit in the Excise books, the licence being in the name of Softlaw. The Excise sought to recover 175*l.* penalties for this act. Alderman Humphery was present before the Commissioners of Excise for some purpose, at least so I was told. At any rate, in the course of time, by great influence, the penalty was reduced to 5*l.* Mrs. Downing always paid her rent to Alderman Humphery. After Mrs. Downing left, and Mr. Levy became the tenant of the alderman.

4831. Sir *G. Grey.*] With what view are you stating these facts?—Alderman Humphery is a magistrate, and owner of public-house property. I am going to show that Alderman Humphery, having an interest in the tavern immediately opposite, used his influence, or exercised his influence in preventing Mr. Wallis from getting his licence.

4832. Do you mean, that in your opinion the licence was refused to Mr. Wallis because Alderman Humphery had interest to oppose that licence, with the view of having a licence granted to a house of his own; is that the object you have in stating these circumstances?—That is the object, and it is the inference which al the world drew.

4833. You have referred to Mr. Bishop's evidence before the House of Lords. This is what he there states: "There is, for instance, the case of Mr. Wallis, of London Bridge, where, merely from the effect of a point of law, as to a question of right arising between the magistrates of Surrey and the magistrates of the city of London, a house with all the requirements necessary, which has been built in a large neighbourhood, has not got a licence merely because it became a question of right whether the magistrates of London could promise Mr. Wallis a licence." Now it appears from that statement of Mr. Bishop, to which you refer, made to the Lords' Committee in 1850, that Mr. Wallis did not obtain a licence owing to some disputed jurisdiction between the magistrates of Surrey and the magistrates of the city of London; how does that agree with the view which you have taken? —I differ with him; although I should not differ from his general intelligence, I think that was a mistake. It is not the view which others took; if it is so, it is wrapped up in a very nice point, whether it belongs to the city of London, or is in the jurisdiction of Southwark. Alderman Humphery is a magistrate of Southwark and a magistrate of London.

4834. Mr. *K. Seymer.*] Did the point of law arise?—Never, to my knowledge; we never understood anything of the kind.

4835. Mr.

4835. Mr. *Brown.*] Did the party who sought the licence keep a beerhouse?—Yes; he keeps one now.

4836. Were any fines recorded against him?—None whatever; he is a highly respectable man. This house was built exclusively, and in every respect was well adapted for a tavern; it has one solid iron beam round it, and is a most beautifully built house, some six stories high, and replete with every accommodation. I am now going to show the alderman, having let another house, his tenant got a licence on the last licensing day.

4837. *Chairman.*] Is there not the reason which Mr. Bishop has stated why this house could not be licensed?—No.

4838. We find that he says there is a dispute as to the right or jurisdiction of the magistrates of these localities, with respect to licensing this house at all?—Does he speak positively? Mr. Wallis up to this time has not got his licence, and the alderman has carried on his hotel.

4839. Do you say that there has been an application, since Mr. Bishop gave his evidence in the House of Lords, each year for this house to be licensed?—Yes.

4840. Sir *J. Pakington.*] Were you present when the application was made?—No; but I had it from Mr. Wallis's mouth three days back.

4841. Did you hear what passed before the magistrates?—No.

4842. Do you know the grounds upon which the magistrates refused the licence upon the last occasion?—I do not.

4843. Have you any reason to doubt that the difficulty which existed previously existed then?—I do not think it existed; I cannot answer any question about the difficulty.

4844. *Chairman.*] Do you know the ground upon which he has been refused the licence?—No, I do not.

4845. Mr. *Gregson.*] Did it come before the magistrates of Surrey, or the magistrates of London?—Surrey.

4846. Did it come before the city of London also?—I am not aware that it is in the City. George Bolton, of Nos. 3 and 4, Duke-street, Southwark, who has been a beershop keeper four years, and who holds these houses under a lease from Alderman Humphery, the last licensing day got his licence. I have nothing more to say upon that subject. Mr. Wallis has been 20 years trying to get a licence, and last licensing day the Alderman's tenant got one, and the Alderman's Bridge-house was licensed 18 years since.

4847. *Chairman.*] Without casting any imputation, you are understood to say, that there has been a house built for some years past, capable of giving every accommodation to the public, which cannot be opened as a public-house for want of a licence?—Yes.

4848. Was it built on purpose?—It was.

4849. Sir *J. Pakington.*] But the person who so builds the house is aware that he runs the risk that a licence will not be given to him?—It stands at the terminus of the railway; there cannot be a house more eligibly situated; it has the accommodation of coffee-rooms and bed-rooms, and so on.

4850. Has it been opened as a beerhouse?—Yes; 20 years.

4851. Mr. *Gregson.*] Are you still speaking of Mr. Wallis's house?—Yes; his brewer's name is Calvert. It is opened as a beerhouse; he is carrying on a very large beer trade, but he cannot get a licence for the sale of spirits and wines.

4852. *Chairman.*] Is it offering all the accommodation which it was calculated for, as far as the rooms and refreshments and other things are concerned, with the exception of spirits?—The house is open, but Mr. Wallis could not get a wine and spirit licence.

4853. Was it to be an hotel?—It has all the appearance of an hotel; it is called the Bridge House Tavern.

4854. Cannot a hotel be conducted unless it have a spirit licence?—No.

4855. Will not the profit be sufficient for it?—No; you can only sell beer, and if any traveller requires a little spirits, you cannot sell it, or you are liable to a penalty.

4856. In all these cases, if you ask the customer for his money, can you not fetch spirits in these houses?—That is an evasive way of acting, because the Licensed Victuallers' Protection Society will be after you. They went down to Brighton and got hold of several of them; and we were obliged to get a Bill passed through the House of Commons a little while ago, which enables us, on paying

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paying two guineas, we might be allowed to sell a bottle of curaçoa, provided besides 10 guineas was paid by the same party for a spirit licence.

4857. Do you say the public will not go to a house of this sort, which has not the means of selling spirits as an hotel?—No, because they expect to have everything they ask for. I think you should extend the licence to pastrycooks and eating-house keepers, particularly for the sale of wine.

4858. In London that is not a great inconvenience owing to the vintners' privilege?—That is not very extensive; there are very few vintners in London.

4859. Are they limited?—The number of these is very small indeed.

4860. Every one who has a free vintner's licence can sell wine on the premises?—Yes.

4861. In any quantity?—Yes; but not spirits.

4862. Sir *J. Pakington.*] Has this house of Mr. Wallis's a vintner's licence?—No.

4863. He cannot sell wine?—He might borrow a vintner's licence.

4864. Is he as much precluded from selling wine as he is from selling spirits?—Yes; vintners' licences are frequently borrowed. If I wanted a vintner's licence I might find one named Smith; I could put his name over the door, and thus obtain the privilege of selling wine; their names are borrowed.

4865. Mr. *W. Brown.*] If I went to that house as a lodger, or as a traveller, might I not send out my money to any other public-house if I wanted a glass of brandy, and have it brought in?—No doubt you could send out for it, but the landlord would be liable to lose his beer licence by your so doing. A stranger going to such an hotel requiring spirits, they might say you want to play us a trick; we will not bring any spirits in; you render yourself open to an information by it; that has frequently been done, and on many occasions people have been fined.

4866. *Chairman.*] Do you represent any class of persons in the opinions you have been expressing?—I represent the sentiments and opinions of a vast number of wine merchants, who think the present licensing system a barrier to the consumption of genuine wine and brandy; they think that there should be a little more relaxation in the licensing system in the permission to sell, that others than those under publicans' licences should have the privilege of selling wine and spirits, that is, spirits in small quantities, not to be consumed on the premises, and wines to be consumed on the premises under some such restriction as a bond, but not under magisterial authority.

Mr. Alderman *Wire* called in; and further Examined.

Mr. Alderman *Wire.*

4867. *Chairman.*] DO you wish to state what is the practice of the magistrates with respect to the transfer of licences; what rules they observe?—Yes; the law requires a person transferring a licence to give five days' notice of his intention so to transfer, the notice being signed and served upon the constable and overseers of the parish. At the appointed days for the transfer, both the incoming and outgoing tenants attend before the magistrates, and if there has been no complaint against the house, and the references as to the character of the incoming tenant being found good, then the transfer is made as a matter of course.

4868. What do you call the reference as to character?—The police are instructed by the magistrates, as soon as notice is given of a transfer, not only to inquire into what the man has been, the trade or business he has been following, where he has lived, and his general character as far as they can ascertain it, both pecuniary and moral, and his ability to conduct a public-house.

4869. Do you state that as being the general rule of the magistrates within the metropolitan districts?—I believe it is the invariable rule; I know of no exception.

4870. Having power to direct the police to make these inquiries?—No, but it is invariably done.

4871. Who directs the police to make inquiries into the character of the persons coming into licensed houses?—The magistrates; and the police are in attendance at these transfer sessions.

4872. Do the magistrates have an attendance to consider the notices which they receive from persons to whom licences are to be transferred?—I am not aware that they do till the transfer day.

4873. Do they adjourn that transfer day?—No; they hear the evidence, if there

there is any, and if there is no objection to the man's character who is coming into the house, and there is no previous conviction of the man going out, of course the transfer is made.

4874. When are those directions given to the police to make the proper inquiries as to the character of the incoming tenant?—The police have general directions so to do, and they attend on the transfer days.

4875. Have the police notice of the names of the persons who are the incoming tenants?—They have notice of the sign of the house to be transferred, of the name of the person who is going out, and the name and address of the person who is coming in, and of his address for the last six months.

4876. This is known to the publican, that the magistrates require this, and they serve the police with notice in due time for them to furnish the magistrates with information when they meet on the transfer days?—Yes.

4877. Is that the invariable rule and practice of the magistrates of whom you have any cognisance?—Yes; I have known very minute and special inquiries made as to the character both of the parties going out and coming in; and in some of the districts of London it is made an objection to a man transferring a licence if he has been convicted during the time from the grant of the licence to the transfer.

4878. Made an objection by whom?—By the magistrates.

4879. Do they wish to keep a man who has been convicted?—No; they think by refusing to facilitate the transfer at the time, they give a greater guarantee for the good conduct of the person in the house.

4880. Is it an advantage to transfer a licence?—Of course; if a man has been convicted once, it would be an advantage for him to get rid of the house, lest another conviction should come against him in the course of the year, and the magistrates might take away his licence.

4881. Are those inquiries made by the police only respecting persons against whom they have heard some complaint, or is it systematically of every person who applies to have a licence transferred?—I believe systematically of every person.

4882. On what ground is it that the magistrates would refuse a licence, supposing that there had been an objection taken to it at the time?—On a variety of grounds. If a man was not a man of good character, for instance.

4883. Do they inquire whether he has capital or not?—I do not think that is so much a ground of inquiry, because they take it for granted that a man has money enough to go into a house; but the principal inquiry that is made by the magistrates, and reported to them, is as to the man's moral character and capability of conducting a public-house. I must say this: supposing one publican is about to transfer a licence to another publican, they make inquiry as to the person coming in, as to whether he has been convicted under any of the laws affecting licensed victuallers.

4884. Assuming him to have been a victualler before?—Assuming him to have been a victualler before, then the conviction, unless it is for some trifling offence, is very frequently a bar to the transfer of the licence; and assuming the party coming in not to be a licensed victualler, then they make inquiries as to what has been his occupation, character, and habits previous to the notice.

4885. Would that apply to the beerhouse keeper, if he had been convicted?—Yes.

4886. Supposing him to have been a beerhouse keeper, and there was a licence to be transferred to him, and it was found that during the time he kept the beerhouse he had been informed against?—That would be an objection.

4887. That would not be conclusive; it would not be an objection to be considered?—Yes, it would; all the circumstances are gone into, both against the licensed victualler and the beerseller. The majority of the offences that they are convicted of before magistrates are, as you have heard, for serving after 12 o'clock on Saturday night and 1 o'clock on Sunday; that is, as to the licensed victuallers; and the majority of the cases of the beersellers is for the same thing.

4888. What is practically the case with respect to the frequency of transfers by persons who have received licences; does it very often happen in the same year that they have received their licence, that they are desirous of transferring it?—Frequently; where there are more public-houses than what is called public necessity requires, the houses more frequently change hands.

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4889. If a person is fit to occupy the same house which, by your own statement, is more than the public necessities require, how is he to carry on his business better than the one who transferred it?—I can only say that the natural expectation of every man to succeed in the business which he undertakes induces many persons, ignorant both of the circumstances of the neighbourhood or of the custom attached to the house, to take these houses, and the majority are generally taken by persons who have not been in the trade before.

4890. These houses begin by being taken by persons who have not been in the trade before?—Yes; for instance, they are of much smaller value; a person pays a much smaller sum to go into these houses than to go into larger ones; such persons have not command of capital enough to go into larger houses; therefore they are generally taken by persons of inexperience in the trade, with a small capital.

4891. That is the transferee of the licence?—Yes; it goes on from time to time till the licence gets extinguished.

4892. Is that of frequent occurrence?—Yes, of frequent occurrence in those old neighbourhoods where the houses have been licensed and the trade has departed from the neighbourhood; it is the object of the magistrates, whenever they can legitimately and without injury to the property of persons, always to extinguish the licences in such neighbourhoods.

4893. Do you mean to state that those transfers chiefly occur in deserted places where there are, at the time, more public-houses than the necessities require?—I say, the public-houses in such districts more frequently change hands than they do in other districts where there is a large trade carried on.

4894. Do you state that those transfers constantly occur, and that persons go into these houses who have little or no capital, and little experience, and then they are transferred to other persons who are occasionally unfit to go into the business, and that so they go on?—Yes.

4895. Is that your experience of this system of transferring licences?—Yes.

4896. Is there no inquiry made by the magistrates as to whether these people are likely to be able to carry on their business from their previous experience or capital?—I believe there is little or no inquiry made as to the capital; the inquiry is always made by the magistrates as to the experience of the persons carrying it on.

4897. Are you not aware that in the great proportion of the cases, that these houses do not belong to the persons who receive the licences?—Do you mean that they are the property of some other party?

4898. Yes?—I believe that the majority of the houses are the property of the persons who take them, or who sell them; nearly all the public-houses in London are leasehold houses; that is, a lease is granted by the landlord, and it is sold from hand to hand.

4899. The lease may be of any duration; what we want to know is, whether the person who first receives the licence is the owner of the premises?—The freeholder?

4900. The person who is beneficially interested in the premises?—I think, generally speaking, throughout London, every person in the public line is the owner of the house for the time being, under a lease, except what are called brewers' houses.

4901. They are but a very small proportion?—A very small proportion, indeed, considering the large number of houses.

4902. Is the great majority free houses?—I should think, assuming the number to be six thousand, more than five thousand are, in that respect, free houses.

4903. Surely, these persons are persons then of some capital to go into a public-house, having to supply it with all the stock, and having to take a lease of the premises?—No doubt.

4904. Then, generally speaking, the publican is a man of capital?—Yes; no doubt.

4905. But transfers very frequently occur?—That is, in houses such as I have described; in poor and overcrowded districts they occur more frequently than in other districts, from a variety of causes. A man may be ill; a man may not like the situation of the house; he may not like the particular description of trade which is carried on; and a variety of causes would induce him to change his habitation when he thinks proper.

4906. Do you mean to say, that the magistrates are careful, in granting the licences, to prevent there being too many houses in one district?—Now, I believe, they are most careful. They take a great deal of pains to ascertain whether a public-house is required by the necessities of the neighbourhood.

4907. Sir *J. Pakington.*] Judging of those necessities upon what principle?—By the extent of the population; the nature of the trade that is carried on in the neighbourhood, and the population that visit it in the course of the day. If I may take a district, for instance, round about the Docks, where there are thousands of people that go there during the day in the course of their occupation, there are more houses than there would be in a quiet neighbourhood. It is the same with the City, round about the Royal Exchange, which is the focus of the City, where there are a large number of licensed victuallers' houses.

4908. *Chairman.*] Have you any doubt in the world, that if a person was to make an inquiry for themselves in London, they would find a great number of districts where there are many more public-houses than are actually required?—I believe they would in the old neighbourhoods.

4909. Sir *J. Pakington.*] Do you think there are many districts where there are less than are required?—I do not believe there is a district in London, or within 10 miles of it, where there are less; there are so many houses of accommodation in London of all kinds and descriptions, that it is impossible to say that London is not amply supplied; there are the coffee-houses, the beershops, the eating-houses, the taverns and hotels, all affording a variety of entertainment for the public.

4910. *Chairman.*] Do not you consider it perfectly impossible for the magistrates to determine what shall be the requirements of the district, or what shall enable the publican to carry on a business with profit?—I think it not only not impossible, but quite possible, from habits of experience, to determine that almost with mathematical certainty.

4911. Do not you think that at variance with the fact that there are many districts in London where there are many more public-houses than are required, and that transfers are frequent from failures in business?—I explain that by saying that there are neighbourhoods where houses have been licensed years ago, and before the magistrates exercised the same degree of vigilance they do now, and the same degree of caution.

4912. You do not mean to say that those districts are decayed and deserted, and the public-houses are left?—The trade has removed frequently from those neighbourhoods.

4913. You do not mean to say that it is invariably the case when the trade has deserted the place, the public-houses remain, and that is the reason why there are more of those houses than are required?—At the time the houses were licensed there was not so much care on the part of the magistrates to look at the public requirements, and that there was trade then in the neighbourhood which there is not now.

4914. If the trade was then in the neighbourhood, it did not require the care; they only did what was right, according to your view, to meet the exigencies of the case?—They had not so much scruple in granting licences.

4915. When did this improvement, or greater carefulness begin?—I think it has been gradually going on the last 20 years.

4916. The magistrates have the power of revising their decisions every year?—Yes.

4917. They might reduce the number of licences if they thought it necessary?—No doubt; but no magistrate sitting on the bench would venture to interfere with property unless the house was complained of for the bad conduct of its tenant, or the immorality that was practised in it. It is looked on as an addition to the property; therefore the magistrates, so long as they find that the houses are conducted with decency and propriety, do not think it right to interfere with what may be called vested interests.

4918. Mr. *K. Seymer.*] On an appeal, the magistrates would not be supported, unless they had grounds?—Certainly not; the appeal is from themselves to their brethren in the commission.

4919. *Chairman.*] Is there an appeal for a refusal to transfer?—Yes; the same as for a refusal to grant.

4920. What is the greatest number of transfers that you have known of in the

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course of one year?—The largest number I ever knew of was four; one house I knew changed four times in the course of one year.

4921. How many transfer days are there in the year?—In the larger districts eight, in the smaller six or four. The vigilance that the magistrates exercise has got into the trade a much better class of persons than formerly used to be in it.

4922. You have heard some of the evidence which has been given in this committee-room with respect to the mode of transferring licences in other parts of the country?—Yes.

4923. You know nothing about that yourself?—I do not, except where I may have gone specially down where some question of law may have arisen, or something of that kind; but I do not know what is the practice at Liverpool or Manchester, or any of the places that have been mentioned particularly before the Committee.

4924. It has been stated that it is not an unusual practice for persons to resort to every sort of device to attract customers to a particular house, with a view to transfer the licence, and to get more money for the goodwill?—I do not believe it.

4925. And that the magistrates will not make any inquiry as to the person to whom the licence is to be transferred?—As far as regards the metropolitan districts it is an untruth; the magistrates do take very great care in examining into the character of persons who are to receive licences, and I have known repeated instances where they have refused to make the transfer, because the party coming in has not been a person of suitable character.

4926. But you know nothing of this practice of having concert rooms, or having very splendid architecture, or fitting up of a house as a gin palace, in order to transfer it, and to get more money as a premium for the goodwill of the house when it is transferred?—I do not know that there is anything that prevents a man from legitimately getting a trade, but it is put before you as an attraction in its nature vicious, immoral, and depraving; and such I do not believe to exist.

4927. Not in London?—Not in London.

4928. Do you see any objection to the system of transferring licences?—None whatever; I think it is absolutely necessary. I do not see why a man once in a trade should be continued in it against his will; he should have the means of getting out of it as every other tradesman has, without a sacrifice of property.

4929. Do you think it important to impose the restriction on the person receiving the licence, that he should be the *bonâ fide* holder of the house, that is, that he should have the stock in trade and capital necessary to conduct the business, and should not be the servant or agent of another party?—I do not think that such cases occur in London where the parties are the servants; the parties are generally leaseholders of the houses.

4930. Do you mean to say that those persons who have given evidence to this Committee and the several Committees that have before sat on this subject, and subjects analogous to this, have mis-stated the fact when they have said that many of these houses belong to the brewers, and that many of the publicans are little more than the servants of the brewers for the actual sale of the beer?—I believe it is a great misapprehension, as far as the metropolitan districts are concerned.

4931. You believe that to be a mis-statement of the facts?—Yes.

4932. And, in your opinion, if any one were to repeat that now, it would be untrue?—I believe it would.

4933. Can you tell us, at all, how many of the brewers have houses, or how many are owned by brewers?—I cannot tell, but I am making inquiries on the subject; I may give you two or three instances that I have received from brewers themselves.

4934. I believe the whole number of licensed victuallers' houses has been returned to Parliament?—Yes.

4935. The question was, whether you knew what proportion of that whole number in the metropolitan district belonged to brewers?—Assuming the number as stated to be about 6,000, there are not above 1,000 which belong to the brewers.

4936. Mr. *Gregson.*] Are there more houses upon which the brewers have advanced money?—I am speaking merely of brewers having houses themselves, and where they put in the tenants; but when tenants are put in, they are put in under agreements which equally bind the brewer and the person in the house.

4937. *Chairman.*]

4937. *Chairman.*] How do you mean, put in under agreements?—They enter into an agreement; it is like an agreement with any other landlord.

4938. Where the premises do not belong to the brewer?—Where the premises do belong to the brewer.

4939. You were understood to allude to another class of houses, where the premises did not belong to the brewer?—No.

4940. You have heard it stated here that many persons are in the habit of borrowing the money necessary to set up these public-houses from the brewers, and that then they are bound by agreement to take the beer of the brewers who advance it?—As I stated before, I do not believe any such agreement exists; not a binding agreement; of course, there is an implied agreement between the parties, and if the publican borrows of the brewer 500 *l.* or 600 *l.*, to enable him to pay for the stock in trade, there is an implied obligation to deal with that brewer.

4941. Have you ever had occasion to draw leases, or to direct leases to be drawn for tenants of those houses who hold under brewers?—No, because the brewers employ their own solicitors; but they frequently pass through my hands

4942. Is there a condition inserted in those assignments or agreements that they shall sell their beer?—I have never seen but two instances of that description.

4943. What were those instances; what sort of condition was inserted?—That they should deal with they brewer for all the articles which he sold; those were houses which belonged to what we call the small class of brewers.

4944. And there it was distinctly expressed?—Yes.

4945. But in the generality of cases it is an implied understanding only?—Yes.

4946. Have you ever drawn a mortgage to a brewer on the premises for money advanced?—Never.

4947. Have any of those passed through your hands?—I believe, in one or two instances, mortgages of that description have passed through my hands; but, as I have explained before, the brewers do not take mortgages.

4948. Do they take a deposit of the deeds?—They take what we call an equitable mortgage, which is a deposit of the deeds, and a memorandum to execute a mortgage, if called on to do so.

4949. But there is no indorsement on the lease?—No, none whatever.

4950. Mr. *Gregson.*] You spoke of 6,000 houses, of which 1,000 absolutely belonged to the brewers?—I think that may be the fair proportion, from the inquiries I have made.

4951. Of the remaining five thousand equitable mortgages are held on a large proportion?—Not so very large.

4952. Can you give any idea of what the proportion is?—I cannot tell you; it is a subject I do not know; but the proportion is not so large as that. I am speaking of one house which has been referred to; I had a return from that house as to the number of houses they serve with ale, and the number is 4,000; they have seven houses of their own, and they have not a loan upon any house.

4953. Is that one of the large brewers of porter?—No, Messrs. Bass.

4954. Mr. *K. Seymer.*] Does that include beershops and public-houses?—Yes.

4955. *Chairman.*] When you referred to the 6,000, those are licensed victuallers' houses?—Yes.

4956. When you referred to the 4,000 served by this particular firm, that includes all the houses they serve where their beer is sold?—Yes; I think I stated before that the system, as far as the great brewers are concerned, in London, is this: we will suppose a house requires for the stock in trade, which is frequently very heavy in wines and spirits, 1,500*l.* or 2,000*l.*; perhaps the man has 1,000*l.* of his own, and the brewer will readily lend him 1,000*l.*; there is a convenience to both parties in doing that; first, the brewer employs his extra capital and gets his interest for it, and the publican is not called on to undergo the expense of a mortgage encumbering his title. Another thing is, he may pay off the loan just as he pleases, that is, at 50 or 100*l.* at the time; just as he makes a profit in trade, and can spare it, the brewer takes it, which would not be the case if the house were mortgaged to another person. Instead of it being a binding obligation on the majority of publicans in London when they are under loans to brewers, if from any cause they wish to change their brewer they can readily do so; it is only going from one to the other, and they can get the same facilities from any other brewer.

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4957. Did you act for the association before the Beer Act came into operation?—Yes.

4958. Was there any great mischief done, or any great deterioration of property occasioned by the first introduction of that Bill?—I believe a very great deterioration of property took place; I know of many persons who were almost ruined by it.

4959. Those who entered into the business of beerhouses?—Both those who had existing houses under the old licensing system, and those who entered on the new system.

4960. Do you know what the fact is as to the number of licensed victuallers' houses now, compared with those which existed before the Beerhouse Act came into operation?—I do not; I cannot give you any information now, but I think I can get it.

4961. Generally speaking, have you the least doubt that they have diminished?—The increase of population, and the increase of houses in the metropolitan districts, would be a sufficient answer to show that they must have increased.

4962. Have you any reason to believe that the proportion to the increased population has fallen off at all, compared with any former period, in consequence of the beerhouses?—I think there are a variety of things that would diminish the number; first, the increase of the beerhouses; and secondly, the improved habits of the people, which has a wonderful deal to do with the existence of public-houses.

4963. What do you call the improved habits of the people; do they drink less?—Yes; within the last eight or ten years there has been a remarkable change in that respect; the consumption of spirits has not been nearly so great as formerly.

4964. Do you say that the disposition to drink spirits has rather declined?—Very greatly.

4965. And not owing to less opportunity of getting spirits, or from spirits being dear, but from an improvement in the moral habits of the people?—Yes; from an improvement in their moral habits and character.

4966. And if there was a greater temptation offered for the consumption of spirits, their improved habits would not induce them to accede to it?—I think the more temptation you put in the way the larger would be the consumption.

4967. The consumption has not increased in proportion to the increase of population?—No.

4968. Still they drink less spirits, do they not?—The more the temptation is removed, the less will be consumed.

4969. You do not refer it to that cause; you refer it to some other cause as acting on their habits?—I refer it to all the causes that have been operating on the habits of the people. We cannot shut our eyes to the fact, that the progress of education, the diffusion of knowledge, the opening of mechanics' institutions, of free libraries and lecture halls, and a variety of other things, have, no doubt, tended, and in addition, and above and beyond all, the influence of religion, which is largely being diffused among the masses of the population, where it never penetrated, and never had the slightest influence years ago.

4970. The number of the public-houses has nothing to do with the price of spirits. The improvement is to be ascribed chiefly to those causes which you have just enumerated?—No doubt, but it does not quite answer the question; I think, if you place temptation in the way of the people, by granting licences indiscriminately, you will do a great deal to destroy those other and better influences which are prevailing amongst the people.

4971. It is since the Beer House Act, that those other causes for their improvement have been in operation?—No doubt. I am more practically acquainted with the population of large towns, than the population of rural districts. I know very little of that except in the neighbourhood of my own house.

4972. Sir *J. Pakington.*] Has the consumption of beer increased with the decreased consumption of spirits?—Yes.

4973. Mr. *K. Seymer.*] Will you explain what you meant by the increase being a temptation?—I mean, if you license more public-houses than what is called public necessity requires, you immediately open the temptation for the people to go there and drink, and for this reason: I can show to you from the statistical

statistical returns of all London, that the persons keeping those houses, subjected as they are to a variety of expenses which other tradesmen are not subjected to, will do the best they can to attract custom to their houses, and in some instances, of course, there will be illegitimate attraction.

4974. Explain what you mean by the expenses to which they are subject, in contradistinction to other tradesmen?—First, there are the licences which they have to pay to the Excise; then there are the rooms which they are obliged to open for the public accommodation; then there are the servants necessarily attendant waiting on those rooms; then there are the newspapers, and a variety of other accommodations which they are obliged to furnish. They are subject also to the billeting of soldiers, and are paid not even the wages of a servant, let alone the provisions and things they are obliged to find.

4975. With the exception of billeting soldiers, the affording rooms for the accommodation of the public, and finding newspapers, is just as much a part of his business as the convenient fitting up of his shop is part of the business of a draper?—The draper has merely his shop; the publican must have his taproom, parlour and club-room.

4976. Is not that part of his business as a publican?—Decidedly; there cannot be a doubt it is part of his business as a publican. In a well-regulated neighbourhood, the more comfortable the house, the better fitted up in the style in which a gentleman's house is fitted up, the more custom would he attract to it. I instance the way in which the club-houses are fitted up, with great splendour, infinitely superior to most of the gentlemen's houses who are in the habit of frequenting them, with more luxury about them.

4977. But, with the exception of the hardship of billeting soldiers, and the expense of the licences, how do you make out any case of any extraordinary expense connected with a publican's business?—For instance, a man has a taproom, parlour, and club-room. During the time of winter he must have fires in every room. He may not have, in the course of the day, more than three or four persons come into the taproom or into the parlour. At other times he may have an influx of custom, but the expenses are going on at the same time.

4978. Does he not, in consequence, increase his charges accordingly; do you not pay more for everything in an hotel than you do elsewhere, in consequence of those charges?—Comparatively very little more, looking at the accommodation you get. If you buy a pound of cheese at a cheesemonger's, and a loaf of bread at a baker's, you pay just the bare value; if you go to a publican's house, you must pay something additional for the accommodation you get.

4979. *Chairman.*] If the outgoings are less, would there not be more people go into the trade?—No doubt.

4980. The competition would be greater?—No doubt; it would tend to the ruin of all.

4981. Mr. *Gregson.*] Could that competition be carried on with a profitable result?—I think the general experience of trade proves the contrary, that competition is carried on to a ruinous result, not only by publicans, but by all other parties, and generally, in the long run, it is the man who has the largest capital who succeeds, and the others fail.

4982. Mr. *K. Seymer.*] As a remedy to that, would you license all trades, and restrict the number?—Certainly not.

4983. *Chairman.*] Publicans are as likely to be imprudent as other tradesmen?—Yes.

4984. The licensing system does not protect them against the mistakes which other tradesmen make?—No.

4985. They are liable to fall into mistakes as well as other tradesmen?—Yes.

4986. Mr. *W. Brown.*] How would you like to be restricted yourself from embarking in a certain pursuit of life because a certain number of solicitors had a monopoly?—I think it would be a great benefit to the public at large if the number of solicitors were restricted, a very great benefit.

4987. Are not the public better judges of the want of solicitors and coffee-house keepers, and publicans, than the magistrates sitting on the bench are?—As a general proposition I should say it was so; but as applicable to a particular trade, I should say it was not so.

4988. Why?—For instance, take the case of a publican; you know the pub-

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lican has not only his own interest to look to, but he is compelled to look to the interests of the public, and you will at once see that a person who is licensed as a publican ought to have, if I may so say, a district assigned to him, which will give him a legitimate trade, because he deals in a dangerous article. His house, as was explained by one of the other witnesses, is a house of public resort; he is bound to protect and cherish his guests while they are with him, and to take care of their property; he has a direct interest in keeping up the respectability of his house, and in driving away from it persons of bad character, and preventing scenes of drunkenness and disorder.

4989. Does not the extra rent that the licensed houses are obliged to pay, or the sum paid for the goodwill, compel him to make a remunerating profit, and so to charge his guests more than if the trade was thrown open?—I think not.

4990. Why?—I think you will find that practical experience is an answer to that question.

4991. But we have not the experience?—You have experience as contrasted with beershops and public-houses; you have tried the experiment there, and the experiment has failed; notoriously failed.

4992. *Chairman.*] To what do you allude?—To the public-houses and the beershops. I say you have tried the experiment of throwing the trade open, as far as beer is concerned, and that experiment has failed.

4993. Why do you say it has failed?—For this reason: the object was to cheapen the sale of beer; to afford to poor people the benefit of going into a house of accommodation, where they had not a temptation to drink spirits; and it was thought that beer would be cheapened, that the poor would be accommodated, and that the morals of the people would be improved. It has been said here in this Committee, since I have been sitting here, that beer has been cheapened. Undoubtedly it has, but I attribute it not to that cause, but to the reduction of duty, and the competition in the trade which has arisen consequent on the reduction of duty; I need not say, as a political axiom, that where you have reduced the duty on any particular article, you increase the consumption; for instance, take that of coffee.

4994. Mr. *K. Seymer.*] Do you think the competition between the beershop keepers and the publicans is a fair competition?—I have nothing to say about it now it is established by law.

4995. Do you think a beershop has a fair chance in competing with the publican?—No doubt.

4996. Do you think that a butcher who is restricted to the sale of lamb could compete with a butcher who sold lamb, veal, beef, and mutton?—I do not think the comparison is a fair one.

4997. *Chairman.*] You represent a large class of persons here; you have been giving their opinions; state to the Committee in what respect you think the public are benefited by the system of granting licences, at the discretion of justices, to the licensed victuallers?—I have seen many countries in the course of my life; I have visited Ireland and Scotland, where there is an unrestricted sale of spirits. The evils I have observed in Scotland especially. I speak more particularly of Scotland, because I have been there more frequently than I have been in Ireland; I have only been in Ireland three times. The evil in Scotland that results from the unrestricted sale of spirits is of a twofold character: first, it has a tendency to increase drunkenness and immorality of every description; and, secondly, it is the cause of much illicit distillation.

4998. I have put to you a general question, and I am sure you gave as full an answer to it as you could; I asked you to state to this Committee what you consider the advantage to the public which is derived from this licensing system; if I understand your answer, it is, that you have been in another country where the licensing system does not exist, and you find the people very drunken?—Yes.

4999. You must be perfectly aware, if you have travelled a great deal, that there are many other countries where spirits are quite as cheap, if not cheaper, than in Scotland, and there is neither drunkenness nor habits of drinking?—I know no such country, except a vinous country, such as France. The habits of the people in those countries where wine is cheap, and where you may get a bottle of wine for a penny, there of course the people use that as a common beverage, as in Devonshire they use cider in preference to beer.

5000. What

5000. What is it you wish to be inferred, that you ought to restrict the sale of spirits, because if a people obviously moral and sober are tempted by the facilities of procuring spirits, they will become drunken and immoral from their extensive use?—No doubt.

5001. Is that your opinion?—Undoubtedly.

5002. Why does not that apply to wine or any other intoxicating liquor in countries where they can get a bottle of it for a penny?—First of all, the wine is not of so intoxicating a quality as spirits, and it takes a great deal to make a man drunk on wine.

5003. He could get drunk for 2 *d*., I suppose?—No.

5004. Mr. *W. Brown*.] Why is it not the case in the United States, where you can buy a gallon of whiskey, and very fair whiskey, for from 30 to 40 cents?—In the State of Maine, so great were the evils of drunkenness resulting from the sale of spirits, that they have enacted a law that there shall be no spirituous liquors or intoxicating drinks sold in the state. And such has been the impression on the public mind as to the habit that was destroying and demoralising the country, that there has been a crusade opened against the sale of spirits, or the drinking of spirits, throughout the whole of the states. It is very true that Maine is an exception; but in all the other states the crime of drunkenness has prevailed to an alarming extent.

5005. *Chairman*.] Do you know what has been the effect of prohibiting it in Maine?—The effect of prohibiting it in Maine has been such as to restore the population to habits of sobriety and temperance.

5006. Do you believe that to be the necessary or probable result of such a change in the law?—Certainly.

5007. Would you propose a further restriction on the sale of spirits here to what exists at present?—I should not go to the extent of the state of Maine.

5008. But do you think you ought to restrict further the sale of spirits in this country, or do you think that there is a restriction on the sale of spirits by the present law?—Yes; and that I consider sufficient.

5009. Do you think that anybody who wishes to get drunk on spirits has not ample opportunity?—I believe every person who wishes to get drunk has most ample opportunity; but I do not think that is the question; that is only part of the question. For instance, the more places you open for the sale of spirits, the greater facility you afford for their consumption. The greater privacy with which those spirits may be obtained, no doubt tends to increase the habits of drunkenness.

5010. But surely you cannot resist this, that the fewer those places are, the more moral the people will be?—I do not say the more moral the people will be; they will be less drunken.

5011. Drunkenness is a great evil; you can hardly stop short then of recommending a further restriction on the sale of spirits?—I should not, if I were a member of the Legislature, interfere with the present state of the law, because I think it is quite sufficient, looking at the whole question with regard to the morals of the nation.

5012. Have you any other benefit that you could point out, that you can connect with the licensing system?—I think that the licensing system, first, is a great protection to the revenue; that it prevents illicit distillation in this country to a very large extent, and that the publicans therefore, being the distributors of that which is subject to duty, only deal in that which is a legitimate article, and has paid duty. I need not tell you, in Ireland almost every person distils spirits. You will find it in the wild districts of Scotland, in the highlands and remote towns.

5013. There are not many of those wild districts in England?—Not unoccupied, in the sense in which I use the term here.

5014. Then perhaps you can hardly judge what are the effects of the licensing system in preventing illicit distillation?—Where the licensing system is not in existence, illicit distillation is carried on to a large extent, and the revenue is considerably defrauded. Where the licensing system does prevail, you scarcely hear of such a thing as illicit distillation, except what I may call raw spirits, which are not to be drunk.

5015. It is quite possible for spirits to be sold very low, and so low as not to be worth while to have illicit distillation, and yet licences might be advisable?—If you were to take the entire duty off spirits it would reduce the price, and no doubt it would increase the consumption.

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5016. The licensing system would have no operation in protecting the revenue if the duty was off?—Certainly not; if there was no revenue to protect, the licensing system would not be a protection.

5017. Is there any other benefit beyond that which you can state?—I think that is one; that it is a protection to the revenue. Another is, that it is a great safeguard against the drunkenness and immorality of the people, by giving to the parties who hold these houses an amount of capital, and making that as a guarantee for good conduct as the result of getting and holding a licence; you have there what Mr. Brown has so often denominated as a bond and guarantee that these persons holding these houses, and having these licences, to dispense what may be termed a dangerous article, will do it so as to prevent drunkenness and disorder.

5018. What has that to do with drunkenness; for instance, a man must try and get as much custom as he can; his business is to sell spirits or liquors; he does not do anything wrong by trying to sell as much as he can; and it is by the extent of his sale that drunkenness might be promoted?—Precisely by the extent of sale; but then I ask you, and I put it as a question to any reasonable man, whether a publican, who has embarked 1,200 *l.* or 1,500 *l.* in the purchase of his house, would put in jeopardy the whole of his property, when drunkenness is prohibited by the law under which he exists.

5019. It is the act of drinking without causing a man to be drunk from which he gets a profit; he gets a profit from his customer's drinking?—No doubt.

5020. He need not encourage drunkenness in his house; that is against the law; but his business is selling intoxicating liquors?—If he has a sufficient legitimate trade—that is the point—to enable him to pay his expenses and get a living for his family, he will not encourage it, because he increases the possibility of losing the whole fruits of his earnings.

5021. He does not want to encourage drunkenness in any man, but he wants to encourage as many persons to drink as possible?—No; his interest is to supply all the customers, who come to his house for the purpose of refreshment, with the refreshment they require, taking care he does not give them enough to make them drunk.

5022. Mr. *K. Seymer.*] That being so, his interest depends on the prospect he has of losing his licence in consequence of drunkenness?—There is a certainty of it in London, from the mode in which the law is administered.

5023. Mr. *Brown.*] On what authority do you state that the Americans are not a temperate people, throwing Maine out of the question, and it is not a wine growing country?—On the authority of books of travel which I have read, conversations which I have had with most intelligent Americans, with whom I mix very largely when they come over to this country; from the reports I have seen of the temperance societies, and from books I have read, publishing and denouncing the evil and crime of drunkenness in the United States.

5024. If other gentlemen, equally intelligent, and more recently from the United States, were to state the very reverse, would you believe them?—I certainly should not, in opposition to the proofs of published reports by themselves in their own newspapers, printed in their own States, and sent over to this country.

5025. Do you not think, with respect to this district of Maine, it may have arisen from a strong religious feeling to be complete teetotallers, more than from any great excess of drinking?—No; I believe from all the reports, and I am only speaking from what I have heard and read of America, I have heard that drunkenness was destroying the people.

5026. I have been there ten years of my life, and have seen very few drunken people?—No doubt; it will depend on the places where you visited.

5027. Mr. *K. Seymer.*] Can you tell the number of instances within the last five years in which publicans have had their licences refused for permitting drunkenness?—I can state this, from knowing the practice and having been at almost all the licensing sessions in London, that no man who has been convicted of having suffered drunkenness in his house is allowed to get his licence without a reprimand, and if the case is very bad the licence is taken away.

5028. Do those convictions at all represent the number of cases in which these publicans do encourage drunkenness?—I believe there is scarcely a case of drunkenness in the house of a licensed victualler which is not reported by the police to the Commissioners, and the parties are summoned, and fined for it.

5029. *Chairman.*]

5029. *Chairman.*] Every individual case of drunkenness?—Yes; of drunkenness accompanied by disorder.

5030. Have you any authority for that statement; is it from the Police Commissioners that you get such a fact as that?—I know it from the vigilance of the police; they are bound to report every case of disorder and drunkenness which occurs in a house in the district over which their range goes.

5031. Have you made that statement to the Committee from hearing it from some person of competent authority?—I know it from my own practice.

5032. That the police make a report of every act of drunkenness that occurs in the houses of licensed victuallers?—Not drunkenness; drunkenness and disorder.

5033. If a house be disorderly, they report it?—Or if there are drunken persons found in it, however quiet they may be; the police have authority to visit these houses at all times of the day and night.

5034. All houses; beerhouses, and public-houses as well?—Yes; and they exercise that authority; and if they had any intimation given by a neighbour, or anybody else, that any improper practice is going on, the police go into the house three or four times a day.

5035. Mr. *K. Seymer.*] So that you think that the fear of losing his licence is always acting on the publican with reference to drunkenness?—Yes; no doubt.

5036. And if persons have stated practically that that fear is of no avail, they are quite mistaken?—Yes; quite mistaken with respect to the metropolitan district.

5037. *Chairman.*] Have you any suggestions to make with respect to the better regulation and improvement of beerhouses; would you suggest that their licences should be withdrawn, or be forfeited after a certain number of informations laid against them?—I think they should be subjected to the same laws as the licensed victuallers with respect to the forfeiture of their licences.

5038. You do not mean that you would put them under the control of the magistrates?—I should have no objection personally to seeing them under the control of the magistrates.

5039. Have you any authority for stating that the magistrates would desire to extend their jurisdiction so far?—None whatever; I never asked them the question whether they would like to have the beershops under their control, but I have heard them frequently lament that they have not been subject to control.

5040. Have you not heard the magistrates lament that they have any jurisdiction over the public-houses; I mean with respect to giving licences?—I have never heard but two instances in my life of two gentlemen in the Commission. One of them was since this Committee has been sitting, to whom I was talking on the subject, and he expressed an opinion that he quite wished the system was done away with.

5041. Was he a Middlesex magistrate?—Yes. Those are the only two gentlemen I ever heard express such an opinion. I believe the law in itself to be as perfect as it is possible to be with the system under which it is established, and that all the defects are defects in its administration, and not in the law itself, because the law itself is perfectly stringent; and if executed, would be a great preserver of order and decorum in all the public places licensed under it, and it is for want of its being properly executed that disorders arise.

5042. In your opinion, the fault is in the present administration of the law?—No doubt; that could be easily remedied, if the attention of the magistrates was called by the Secretary of State to any existing evils in any of the towns or boroughs over which they have jurisdiction. They would, no doubt, set about it, and remedy it immediately.

5043. Mr. *Brown.*] You find under the present laws, that the magistrates have no unity of action; they do not know what authorises them to grant a licence?—I think that only applies to Liverpool.

5044. We have evidence that it applies to other places?—Scarcely; I see no difficulty at all in it. The law is clear and intelligible; and if the magistrates would put it into execution, there is no doubt they will extirpate all the evils, if there are any in connexion with the licensing system.

5045. *Chairman.*] Have you any doubt, that if there was a permanent competent magistrate, the law would be carried into effect with more certainty than at present?—Do you mean a stipendiary magistrate?

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5046. Yes?—I think, of course, in the towns of which complaint has been made, with a knowledge of the defects which have been pointed out, that the law would be better administered, but I would not give such an enormous power to a stipendiary magistrate.

5047. Is the granting of licences an enormous power?—No doubt about it; with all the influence and power that a man who has got a number of persons under him, who have been licensed by him, whose very existence depends on him, who may vote a licence or refuse it, it is an enormous power to put into the hands of any man.

5048. Is that the reason why you never heard more than two desire to be relieved from it?—No, that is not the reason.

5049. But you never did hear of more than two who wished to be relieved from it?—No. Power divided among a great number of persons, and amidst a variety of opinions possessed by these gentlemen, may be perfectly harmless, and not only harmless, but exceedingly useful and beneficial to the public; but power concentrated into the hands of one man may degenerate into a tyranny.

5050. Would it not be possible to place the granting of these licences under a system where there would be no discretion, by the magistrates making the applicant comply with certain conditions, making him do so strictly, and also making the forfeiture of his licence or other penalty certain on any violation of the law, or suffering any offence to be committed specified to be such in his licence or in the Act?—I do not think that would be prudent if possible, and it would not be just. It could not be consistent with notions of justice.

5051. Do not many evils arise from the large discretion entrusted to the magistrates in selecting the persons and the places which are to have the licences, and where the houses are to be established?—I need not say that the exercise of any authority whatever is always liable to a misinterpretation; even the highest Judges of the land do not escape the tooth of calumny.

5052. Do you think any benefit would arise from more definite rules with respect to granting licences?—I do not think you can have any fixed rules unless you take a map of the country, and say, within such a distance there shall be a house, and within such a distance there shall be another. That would not be a just rule, because you might put two houses together where there is no trade, and you might escape a large population.

5053. If you require security from the person that he is a fit person to be entrusted with it, or some evidence that he has capital sufficient to carry on the business, could you not make it so certain that he was fit to enter the business that he could not be refused a licence?—Would not that be creating a greater monopoly than is said to exist at the present moment? The moment you ask a man to give security, he must necessarily go to persons who are interested in giving security beyond the mere claims of friendship. Who would the persons naturally be but the brewers, and you would have every house which is now a free house thrown into their hands.

5054. Mr. *Brown.*] Are there not quite enough of independent people, if the trade was a legitimate and profitable one, who would embark in it and give security?—I do not believe any person in his senses would become security for such an object. It is not security for a pecuniary penalty alone, but it is a security for something beyond all that, namely, that every person who goes into his house, and he himself, and all his servants, shall not violate the law. But who would enter into such a bond?

5055. The effect would be this, that a man who had not property and respectability, and who was not able to pay the fines, would not get the security?—Certainly not; nor even a respectable man.

5056. But would not that benefit the morals of the country?—By persons not being able to get the security.

5057. By respectable persons only being able to embark in the trade?—No doubt. You have here two instances; first of all, the mode in which the houses of the licensed vicutuallers are conducted in London, under the vigilant superintendence of the police, that there is so little disorder and drunkenness in a population of upwards of 2,000,000; and, secondly, the operation of Sir John Pakington's Bill, with regard to beerhouses, that by raising the qualification, as you heard from Mr. Bishop, which I believe to be perfectly true, has improved the character of the persons who keep those houses.

5058. Would not bonds do the same?—You would not get people to give bonds.

bonds. I myself have refused. I have paid a premium to a guarantee society to guarantee the honesty and good conduct of persons rather than enter into a bond.

5059. If you demand a higher sum for a licence, it would answer the same purpose; instead of letting the individual benefit by it, you would put it into the public purse, and relieve the taxation of the country?—No, you would not; because there are bad men who are rich men, and men of immoral conduct who are rich men, and who would take these houses, because they are able to command the capital necessary for it.

5060. Then if they conducted themselves amiss, they would forfeit their licences, and be disqualified for ever?—Then that is an alteration of the system, without any public advantage; disturbing existing interests, without any corresponding benefit.

5061. Why do you speak of existing interests; there is no vested interest in the licence of any particular public-house?—I heard you so remark before; but I beg to say that there are vested interests in the houses. I can point out houses in the city of London and the borough of Southwark that have been licensed from the time of Henry 8 to the present time.

5062. But that licence may be taken away to-morrow, or be suspended for two years?—Precisely so, if the person is a person of bad character, or conducts his house improperly; but then you have the guarantee of his capital and his character against that, which is the best guarantee which you can take for the public.

5063. Mr. *Gregson.*] You spoke of the improved habits and morals of the people; do you not think it would tend much to that improvement if ginshops were closed at 10 o'clock instead of 12?—I think that as a universal rule, if all houses of public entertainment were closed at a reasonable hour, it would be beneficial to the public, because I believe that more than one half of the vice and crime of this metropolis are engendered in houses that are kept open late.

5064. What do you call a reasonable hour?—Ten o'clock is not a reasonable hour, when I look at the hours your House keeps.

5065. Mr. *Brown.*] Are you attending to-day to defend the licensing system?—I do not come here to defend the licensing system; I come here to state what is the result of my conviction and experience, after having dealt with more than one half of the public-houses in London for a period of 25 years.

5066. Have you come here voluntarily, without any desire on the part of the licensed victuallers?—Certainly not.

5067. Then you represent the licensed victuallers?—I represent them, undoubtedly, as I presume every witness who has come here has had some interest to represent on the subject. But, apart from that, I have a strong feeling on the subject, not being their representative, both as a man and a magistrate.

5068. Mr. *Gregson.*] You have spoken more particularly of the sobriety in vinous countries; but in France, are you aware that brandy is sold equally cheap with wine?—Yes.

5069. And that there is no excessive drunkenness in France?—There is a great deal more than we are aware of in the low cabarets, around Paris, especially. But I say, there, where people can get wine, there is less temptation to drunkenness.

5070. *Chairman.*] It has been stated in evidence here, that a house was improved to the extent of 1,500*l.* by a licence; is that your opinion?—It depends entirely on the circumstances of that house; if it is an old house with good trade, undoubtedly you might get a premium for the goodwill of that trade, to the amount of 1,500*l.*

5071. Do you attribute that value partly to the goodwill and partly to the licence?—Yes.

5072. It was stated that it was the licence that gave the value?—No; if it was so every licensed house would be of equal value, and that is not so.

Veneris, 24° *die Junii*, 1853.

MEMBERS PRESENT.

Mr. Ker Seymer.	Mr. Lowe.
Sir George Grey.	Mr. Gregson.
Mr. Villiers.	Lord Dudley Stuart.
Mr. Brown.	Lord Ernest Bruce.
Sir J. Pakington.	

THE RIGHT HON. C. P. VILLIERS, IN THE CHAIR.

Mr. *John Haynes*, called in; and Examined.

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5073. *Chairman.*] WHAT is your office in the police?—Superintendent of the M. or Southwark division of the Metropolitan police.

5074. Does that mean any particular district, or have you the supervision of that division for the whole of London?—The whole of that division of the Metropolitan police.

5075. What is that division?—Shall I give the ground and the parishes?

5076. Yes?—I commence at the foot of Blackfriars Bridge, the east side of Blackfriars-road, London-road, New Kent-road, Old Kent-road as far the Canal Bridge, all this side of the Surrey Canal as far as the Victualling Office at Deptford; that space is on the Surrey side of the Thames. It comprises part of the parish of Christ Church, the greater portion of St. George's parish, the whole of St. Saviour's, St. Thomas's, St. Olave's, St. John's, Bermondsey, Rotherhithe, a small portion of St. Paul's, Deptford, a portion of Camberwell, and a portion of St. Mary's, Newington, as well. I take the Mint, which is a very low district, and Kent-street and Gravel-lane, Southwark, and Tooley-street, which is an exceedingly low neighbourhood.

5077. Did you formerly belong to the detective force?—I did; I was appointed when it was first established. I was promoted from the detective force to the M. division about three years and three quarters ago.

5078. Do you direct inquiries to be made as to the conduct of public-houses, both licensed victuallers and beerhouses?—I do.

5079. Do you receive reports of them from persons under you?—I do.

5080. What is their practice; do they make out a list of the houses that are licensed, and all that are not licensed?—We have a list of that description made out in every division; we keep that for billeting; for instance, a list of the public-houses and beershops.

5081. What is the nature of their supervision of these houses?—It is the duty of the constables on the different beats to report any irregularity that takes place at public-houses and beershops. That is reported to the serjeant. The serjeant reports to the inspectors; the particulars are entered into an occurrence book, and that book is laid before me every morning.

5082. State to the Committee what the nature of these reports are; or, rather, what is the nature of the inquiries respecting these houses which they make for you?—It is the business of the constable on the beat to observe everything improper going on; drunkenness, for instance, and disorderly conduct, such as music and dancing, or anything of that kind.

5083. Have you a copy of the Act affecting public-houses and beerhouses, and are you acquainted with the offences that might be committed by persons holding these houses?—Certainly; each inspector has also an abstract of the different Acts, as also every serjeant of the division.

5084. What is it they are directed to inquire into as to these houses, whether they harbour bad characters, or whether drunkenness is allowed?—It is the duty of the constable to report anything in the shape of misconduct that takes place; open after hours, for instance, or anything to his serjeant. In an extreme case, the constable is allowed to visit the houses; but it is only in extreme cases. As a general rule they report to the serjeant, the serjeant reports to the inspector, who

who enters the particulars in an occurrence book, and that book is laid before me every morning, and I give instructions as to the proceedings that are to be taken.

5085. Have the police the right to enter those houses, and do they so?—Yes.

5086. Sir *G. Grey.*] As a general rule, the police constables do not visit them?—No, they do not; it would cause a good deal of irregularity if they were to do so; it would always be an excuse for the constables to be in the public-houses, and the Commissioners make a rule that they are not to visit those houses, unless under the instructions of their serjeants or inspectors.

5087. Therefore their reports must be founded on what they see outside the house?—Yes; then if we find a house badly conducted, the inspector pays particular attention to that, as also the serjeant of the section, and they are empowered to visit the house to see if anything improper is going on.

5088. *Chairman.* Do you receive complaints from parties who live in the neighbourhood, or who are in the habit of attending these houses?—Yes.

5089. And the officer visits any particular house that is reported on?—Or watches outside; I sometimes employ men in plain clothes for that purpose.

5090. The result of these inquiries and observations is, that you are pretty well acquainted with the character of these houses generally?—Yes.

5091. And also with the difference between the licensed victuallers and the beershops?—Yes.

5092. What has been reported to you with respect to beerhouses; are there any particular offences committed in beershops that are not committed in public-houses, or can you state that the beerhouses are more disorderly and more reported against than the licensed victuallers?—I have a little abstract that I made out this morning of what has taken place these last twelve months, that will give you something like an idea, if you like to look at it. As far as my experience goes, I think the beerhouses, taking into consideration that they are subject to more stringent rules with respect to closing, are equally as well conducted as public-houses, that is, so far as my own immediate district goes. It should be borne in mind that beerhouses are necessarily resorted to by a lower class of persons than the generality of public-houses.

5093. State why that is?—Simply for this reason; in some public-houses they have not the taproom accommodation that they have in beershops. Generally speaking, we have so many gin palaces where there is no sitting-down room for parties who go in.

5094. What is the abstract that you have in your hand; does that state what is the proportion of the beerhouses to public-houses, and their numbers actually?—In my district there are 418 public-houses.

5095. Those are licensed victuallers?—Yes, and 188 beershops; the beershops are not so numerous as the public-houses. Coffee-shops, 121; eating-houses, 33; shell-fish shops, 30.

5096. Sir *G. Grey.*] Is that latter class of houses licensed?—No.

5097. They do not require a licence?—No; only the public-houses and beershops.

5098. *Chairman.*] Have you distinguished between those houses, being licensed victuallers' houses, which afford accommodation to their customers by having a taproom, and those you term gin palaces?—No.

5099. Can you state generally the proportion that gin palaces bear to the public-houses which give accommodation?—I cannot.

5100. Sir *G. Grey.*] Is it any large proportion of the 418 public-houses?—Not in my district.

5101. *Chairman.*] Is it a large proportion that are gin palaces?—Not in my district.

5102. Now what are the offences that are usually reported to you as against these houses?—For keeping open after hours, the beershops; that does not affect the publican, because he is allowed to keep open all night.

5103. Sir *G. Grey.*] Except on Saturday night?—Yes, when they close at twelve.

5104. *Chairman.*] Is it for keeping a house open on Saturday night, or during service on Sunday morning, or is it for keeping them open after 11 at night, when they should be closed on a week day?—From Midsummer last year there were

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23 beershops convicted, and eight discharged; that is, cases of summonses before the magistrates for being open after hours. For Sunday trading, that would include being open after 12 on Saturday night; we should call that Sunday trading. For Sunday trading there are 54 convicted and 16 discharged of beer-shops. One convicted for allowing disorderly conduct in his house, and two discharged for the same offence. I think there was one for gambling in the beer-shops.

5105. Sir *G. Grey.*] When you speak of discharge, do you mean that informations were laid against them and the summons dismissed?—Yes.

5106. *Chairman.*] State the same with respect to the public-houses, if you can?—There are none after hours; because the trading after 12 o'clock would be included in the Sunday trading. Sunday trading, 51 convicted and 14 discharged of public-houses. Seven disorderly and four discharged; that would make 11 summonses. Gambling none.

5107. Have you any report for disorderly conduct in any of those houses you have referred to, where the police have been called in in consequence of offences committed in coffee-shops and shell-fish shops?—There have been 26 convictions for Sunday trading at chandlers' shops.

5108. Sir *G. Grey.*] What class do you put the chandlers' shops under?—They are small grocers; persons who deal in tea and sugar, and butter and cheese, and articles of that description, and who sell fermented liquors.

5109. Were they included in the classification you previously mentioned?—That is a separate classification; they sell table beer and ginger-beer, and they are not allowed to sell anything in the shape of refreshment before the hour of one o'clock on Sunday.

5110. *Chairman.*] May they sell table beer without a licence?—Not on Sunday.

5111. On any other day?—Yes, any other day.

5112. To be drunk on the premises?—Yes.

5113. Without a licence?—Yes.

5114. Mr. *K. Seymer.*] Not beyond a certain strength?—No, what is called table beer.

5115. *Chairman.*] Do you take notice of any violation of what is called the Sunday Trading Act?—Exactly so; a clause in the Act states, that persons who deal in refreshments of any kind shall not keep their houses open on the Sunday morning, if they sell fermented liquors. These persons who sell grocery, and all that sort of articles, could do so if they were not dealers in small beer; if they are dealers in small beer they are bound to keep their houses closed.

5116. What should you do with any other trade that you found carried on upon the Sunday; is there any general Act prohibiting it?—We cannot interfere under the present Act.

5117. Sir *G. Grey.*] Are these houses required to be closed the whole of Sunday, or during the hours that public-houses and beerhouses are?—Only those hours.

5118. That is till one o'clock on Sunday?—Yes.

5119. *Chairman.*] You have stated the number of convictions or informations against chandlers' shops; have you got the whole number of those shops in your district?—No, I have not.

5120. Do you believe they sell anything else stronger than beer; are not spirits sold in those houses?—I have no doubt they are.

5121. And nobody has the power of entering them to ascertain that?—That would be the business of the Excise to ascertain the strength of the beer.

5122. Sir *G. Grey.*] Have not the police the power to enter any house where beer is sold?—Yes.

5123. *Chairman.*] Whether it be table beer of a certain strength, or any other?—All those places we have power to enter.

5124. You have nothing to do with the violation of any law against the Excise?—No, not so far as strength and adulteration go.

5125. State to the Committee what you do with those reports that you have of the public-houses?—When I find a case entered in my occurrence book of a morning, and I think it a fit case to be summoned, I mark it for a summons. We have a printed form on which an abstract of the offence is stated; that is submitted to the commissioners of police for their approval. If it meets with their approbation, application is made to the magistrate of the district, and a summons is issued against the party.

5126. Sir

5126. Sir *G. Grey.*] Is that the police magistrate of the district?—Yes.

5127. *Chairman.*] Then the policeman attends as evidence to support the information?—Yes.

5128. Have you any further orders with respect to these people; do you attend on the licensing day, when the magistrates meet for the renewal of the licences?—I have always made a practice of doing so.

5129. Do you submit to the magistrates the convictions that have taken place in your district?—I do, against the public-houses.

5130. Are those reports dealt with?—The licensing magistrates in my district are very particular, and they go through the whole of the evidence.

5131. Upon which the conviction has taken place?—Yes.

5132. What happens then?—If they consider that the house has been badly conducted they refuse to transfer the licence, or to renew the licence to the parties.

5133. Are you correct in saying that they refuse to transfer the licence?—Yes.

5134. Do they then close the house?—The house is then closed. I had five cases this last year at the March sessions in which the licences were refused to be renewed or transferred, and five the year before.

5135. Do you remember what the offences were?—I could give you the details of one of them.

5136. They were not for Sunday trading?—Yes.

5137. For that only?—For Sunday trading, and one for disorderly conduct; generally speaking, it is for Sunday trading.

5138. You have alluded to five houses where the licences were refused to be renewed?—Yes.

5139. Can you state what the offence of those five houses had been?—I think four of them had been for Sunday trading, and one for disorderly conduct and Sunday trading.

5140. Does the magistrate distinguish between the cases of Sunday trading and the others that you report?—Yes.

5141. Do they renew the licences to some and not to others, although the offence has been the same?—Yes, but it is only in extreme cases they take the licence away. If the party has been only summoned once, and discharged by the magistrate, the magistrates suspend the licence to the adjourned day, and then lecture the publican on the impropriety of his proceedings, and grant him his licence again; but if it is a gross case of misconduct, they refuse to renew the licence, or to transfer it to another party; the consequence then is, that the house is shut up or converted into a beerhouse.

5142. Sir *G. Grey.*] In the cases of those five houses in which the magistrates refused to transfer or renew last March, had the occupiers of those houses been convicted more than once?—Yes, all of them; I can give you one case in detail, if you like.

5143. *Chairman.*] Is that a statement that you can put in?—Yes, I have no objection to put it in.

5144. Do you know any rule that the magistrates proceed on, with respect to the non-renewal of licences; do they say, after the third conviction, a man shall not have his licence renewed, but that the house shall be shut up?—That has not been the practice in my district; the magistrates do not issue a summons under the Publicans' Act, but under the Police Act, although it is optional with the magistrates how they will deal with it when the matter is before them. *Vide* Appendix.

5145. When the question of renewing a licence takes place, is there any rule that the licensing magistrates observe that you can rely on, or that the public can rely on, with respect to the non-renewal?—No.

5146. Sometimes the licence is renewed after a third conviction, and withheld after a second?—That would depend on circumstances, whether they were bad cases.

5147. What do you call a bad case of Sunday trading?—There is a great distinction. Although you may find a dozen persons in a public-house, we may know that it is generally well conducted. In other cases a watch is kept by the publican for the police, and it is very difficult in such cases to detect. When this is notoriously the case, it is mentioned to the licensing magistrates.

5148. Sir *G. Grey.*] Does it appear, from that statement that you have put in, that the occupier of the public-house referred to in it had been twice convicted of the same offence of Sunday trading?—Yes; he had been summoned a year before,

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once for Sunday trading, and the summons was dismissed for want of sufficient evidence.

5149. Does that house belong to a brewer?—It does.

5150. What brewers?—Messrs. Barclay & Co.

5151. Do they keep that tenant in the house?—I have explained it; the tenant was removed. They said they had turned him out.

5152. Did they put him in another house of their's?—No; that was not so. I understand, just before licensing day, that the party whose name is mentioned there, was either in a house of Messrs. Barclay's, or about taking a house of Messrs. Barclay's. And when the chief collector for Messrs. Barclay, I believe I am right in the name, but I am not positive about that, made application for the renewal of the licence, I mentioned to one of the licensing magistrates, Mr. Ledger, to ask a question of the gentleman from Messrs. Barclay's whether the party was not in a house of their's, or negotiating for a house of their's.

5153. What was the fact?—When the gentleman was asked whether he was in a house of their's, he said, "Certainly not," and was quite indignant at being asked such a question. He said they had turned him out when they found he had committed misconduct. But the question was then put, whether he was not in negotiation for a house of their's, and he then admitted that he was.

5154. Is that a case of frequent occurrence; do the brewers to whom houses belong, when they find, the tenant of a house having been convicted more than once, is likely to lose his licence, put him out, and put another person in, in order to get the licence secured?—No doubt, when they have got him under the thumb, as they generally have.

5155. Do they give the man so put out another house, and authorise the obtaining of a licence for him?—I cannot say exactly what the practice is; it depends entirely on how much the tenant is beholden to the brewers.

5156. You stated just now, that that case showed how totally useless it was for the police to look after a house?—Yes, because the man, as soon as he gets out of one house, goes into another house, and opens it as a beerhouse, not in his own name, because the law prohibits him from so doing, but in the name of another party. That is a case in point, where a party who is living in Essex is the proprietor of the beerhouse, and this man is in it at the present time conducting it.

5157. *Chairman.*] What happens to the man who takes a beerhouse when he has been deprived of his licence as a publican?—The law says he shall not keep a beerhouse; the consequence is, that he gets somebody else to allow their name to be put up, and he conducts the business himself.

5158. Does he put up the name of the other person over the house?—Yes; he is obliged to.

5159. And he still goes on conducting that business?—Yes; that is the case in many instances

5160. If the publican has been deprived of his licence, he gets somebody else to take the same house?—As a beerhouse; it is often opened as a beerhouse.

5161. Does this man ever get a licence again as a publican?—I am not prepared to answer that question. I think there have been instances of that after a time. I am not aware of one now. I can give you a case there was of a man of the name of Watkins, who was deprived of his licence in Pearl-row, two years ago, for harbouring thieves, and allowing persons of notoriously bad character to meet together and assemble in his house.

5162. Was it a licensed house?—Yes.

5163. Who was reported on and deprived of his licence?—Yes; and he is now in that house.

5164. In the same house?—Yes, and carries on the business; but I believe his son's name is over the door.

5165. State exactly what was done with that man; he was reported on?—Yes.

5166. Did the police attend before the magistrate when the licence was about to be renewed?—Yes.

5167. And the licence was not renewed?—No, it was not.

5168. It was suspended for how long?—It has been suspended ever since.

5169. This man is still a publican?—He is still living in the house.

5170. Is it carried on as a beerhouse or a public-house?—It is carried on as a beerhouse, in his son's name.

5171. That

5171. That is an evasion of the law?—If it is his business, as I imagine it is; he is living in the same place, and it is carried on as a beershop.

5172. If a man has had his licence taken away he cannot open a beerhouse?—No, he cannot.

5173. Is that under the Metropolitan Act?—No, under the Publican's Act.

5174. Mr. *K. Seymer.*] When you spoke of this person being in treaty for a house, was he in treaty for a public-house or a beershop belonging to that firm?—A public-house.

5175. *Chairman.*] Who is this person who attends on the licensing day to get licences for the houses; you called him a collector?—In that one case he was.

5176. Is he an agent of the brewers?—Yes, in that instance.

5177. And he attends before the licensing magistrates to get a renewal of the licence for some person who is dependant on the brewers?—Yes.

5178. Is that usual?—Very usual, I think; generally speaking, it is done through a solicitor; a solicitor or counsel pleads for the publican.

5179. There is no doubt at all before the magistrates that the house belonged to the brewer, and that the brewer's agent attends before the magistrates to get the same man licensed, which man is dependant on the brewer?—Yes.

5180. Is that a common occurrence?—Yes; it is difficult to prove it, but there is no doubt about it.

5181. Is it usual to refuse any man a licence who is a collector of the brewer attending to apply for it?—Not that I am aware of. I may instance that one case with respect to the collector of the brewer. I have known other instances; but generally a barrister or solicitor is employed belonging to the Protection Society.

5182. But not retained by the publican himself?—I cannot say that.

5183. You do not know anything more of this case that you have just referred to, where the collector appeared to be negotiating, or where the publican who had been deprived of his licence was negotiating with Messrs. Barclay for another public-house?—No.

5184. You do not know whether he succeeded?—Yes, they have nothing to do with him now; this house he has got now is not Barclay's house.

5185. Is it a beerhouse or a public-house that he has now got?—This house he is in now is also a house that had its licence taken away at the same time that he had his revoked. Now he has got into this house which is deprived of its licence, and from private information I have received, he stands a bad chance of getting a licence for it.

5186. Does it occur that a man is deprived of his licence, and the house not shut up, but that some other person is licensed who keeps the same house as a public-house?—I think not, when the case goes before the licensing magistrates.

5187. They consider the licence is to the house as well as to the man?—Yes; but it frequently occurs before licensing day that a party who has been summoned for misconduct during the year applies to the magistrate for the transfer of that licence, and the licence is transferred, and when we come to lay a complaint before the magistrates, they have got a new tenant in the house.

5188. The transfer takes place before the licensing day?—Yes.

5189. You do not attend on the transfer day?—No, supposing it is done between licensing days.

5190. Seeing you have a report to make against a man that has been convicted, and that you intend to bring that report before the licensing magistrates, and during the interval the transfer day has occurred, and he has been able to transfer the licence to another person, what do you do with that report; do you appear at all, and state to the licensing magistrates that the man who has transferred his licence has been convicted?—Yes; but the man is gone, and the licence is transferred then, and it is of no use.

5191. Have the magistrates any opportunity of knowing that he has been convicted before the licensing day?—No.

5192. No report is immediately furnished to them on any conviction taking place?—Only once a year.

5193. Only when they meet to renew the licences?—Yes; when the transfer of the licence is applied for, the clerk to the magistrates finds out the name of the incoming tenants, and we inquire as to their respectability. That has nothing to do with the outgoing tenant.

5194. A man can pretty well know when his licence will not be renewed, and

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he resorts to this mode of getting rid of his house, and transferring it to another?—He can form a pretty shrewd guess, from the way the licensing magistrates of Surrey act. I think they act very impartially and fairly, as far as my experience goes. Speaking particularly of Surrey, the magistrates take a great deal of pains. I know they go and visit the houses, and see whether they are properly constructed, and very often order a back door to be closed, and refuse the licence until it is done.

5195. That is before the licence is granted?—Yes, and also before it is renewed.

5196. Sir *G. Grey.*] You stated the number of convictions in public-houses in the course of last year to be 51?—Yes.

5197. Are those separate convictions, or including the double convictions of the same persons?—That would include the double convictions.

5198. Do you know the number of houses the keepers of which have been convicted?—I cannot state that.

5199. You cannot state the number of double convictions out of the 51 convictions?—Not now.

5200. Is it the case that the great majority of licensed houses are well conducted?—They were badly conducted when I first had charge of the division, but they are now well conducted.

5201. To what do you attribute that; to the greater vigilance on the part of the police, or to the care taken on the part of the magistrates in renewing and transferring licences?—To both; as far as the police have been concerned, I know that particular attention has been paid to disorderly houses.

5202. *Chairman.*] More vigilance than there used to be?—Yes, as far as I am concerned, in that district I know it is so.

5203. And your opinion is, that the beerhouses are improved in their conduct, as well as the conduct of the public-houses?—Yes.

5204. And that you ascribe also to the improved vigilance of the police?—Yes.

5205. Sir *G. Grey.*] Of the convictions of the beerhouses, can you state how many are double convictions?—No.

5206. Are double convictions or treble convictions frequent?—No, not frequent; there is one beershop, I think, we have had convicted as many as five or six times in the last 12 months.

5207. Is that still a beershop?—Yes.

5208. Are you aware of the provision of the law which authorises the magistrates on a third conviction to adjudge that the house shall be closed for the sale of beer for two years?—I am aware there is a law of that kind, but it is never acted on by the magistrates.

5209. Have these repeated convictions been all on informations of the police?—Yes.

5210. Has evidence been given, in the case of a later conviction, of the previous conviction?—It has been made known to the magistrates, and in one case the magistrates cautioned the party.

5211. Has legal evidence been given at the time of the subsequent conviction, of the previous conviction?—No.

5212. Why has that not been done?—I cannot say; the magistrates don't call for it.

5213. Could not the police tender evidence of the previous conviction, with a view to enabling the magistrates to adjudge that the house should be closed?—I imagine they could.

5214. Do you not think it would be desirable, in the case of a house the keeper of which subjects himself by misconduct to repeated convictions?—I think it would.

5215. *Chairman.*] You state that information is given, or that somebody makes a statement to that effect to the magistrates, although the legal evidence is not produced?—Yes; but is ready to be produced, if the magistrate likes to call for it. We leave that in the hands of the magistrates.

5216. Is there any difference in the penalty awarded when the magistrates know that there has been a previous conviction?—A larger penalty is generally awarded in cases of that kind.

5217. Sir *G. Grey.*] Does the penalty ever have the effect of shutting the house up, or notwithstanding these repeated convictions, are houses still kept open?—The penalties are generally so very small.

5218. *Chairman.*]

5218. *Chairman.*] Then they usually pay it?—Yes, or the magistrates let them off with the costs, or fine them 5 *s.* or 10 *s.*, they scarcely ever get to 1 *l.*; in some instances 5 *l.*, but very rarely; in some cases 40 *s.* There is a vast difference in the London magistrates as to that.

5219. Have you any doubt that the real check on these beerhouses is the vigilance of the police?—I have no doubt of it.

5220. Is it the apprehension of the police informing against them that keeps them in good order?—Yes, and the public-houses as well.

5221. Sir *G. Grey.*] Has the improvement in the beerhouses been similar to that of the public-houses during the same period?—Yes.

5222. Has drunkenness increased or diminished during that period?—There has been rather an increase of drunkenness.

5223. To what do you attribute the increase of drunkenness, if there has been a marked improvement in beerhouses and public-houses?—I think it is in consequence of the increased wages that people get.

5224. *Chairman.*] I suppose there has been an increase of population since you have been there?—Vast increase.

5225. And you judge of the increase of drunkenness by the increase of the number of cases that come under your notice?—Yes, and by the state of the streets generally.

5226. There is more drunkenness apparently in the streets now than there used to be?—Yes.

5227. In this particular part of London to which you refer?—Yes.

5228. And you state that that is a very low district?—Yes; the men earn a great deal of money, generally speaking, leather dressers and parties of that description, and they are a very dissipated lot of people.

5229. Sir *G. Grey.*] Does the drunkenness arise from drinking spirits or beer?—From spirits after the beer. The beer is of such bad quality that they are obliged to qualify it with a little spirits. That is what they say themselves generally, and I have no doubt about it.

5230. Mr. *Brown.*] Do they mix them together at the same time?—That is not a very general practice.

5231. Mr. *K. Seymer.*] Is the beer of bad quality?—I think so, generally speaking.

5232. Sir *G. Grey.*] Do you believe that spirits are sold extensively in beerhouses?—No, not in my own district.

5233. Mr. *K. Seymer.*] Is there any difference in the quality of the beer that is sold in the beershops compared with that sold by licensed victuallers?—Really I cannot answer that question by experience. I should imagine, from what I have heard on the subject, that, generally speaking, the beer is quite as good at the beershops as at the public-houses.

5234. Are both classes of houses generally supplied by brewers?—The beershops are not generally by the large brewers.

5235. *Chairman.*] As I understand, you ascribe the increased drunkenness to their drinking spirits; do you think any extraordinary facility is afforded to drinking spirits by having these houses where there is no accommodation of a tap-room for their customers?—I have no doubt of it.

5236. In many places you mentioned that the magistrates take particular notice of these houses before they grant the licences, and in some instances you say they have even ordered doors to be closed up that they thought favoured the harbouring of people of a particular kind; do they take any notice of these gin palaces; do they know that the house that applies for a licence is to be opened as a gin palace, and do they ever object to granting a licence on that account?—I am not aware of any house that has been so constructed when it first applied for a licence.

5237. You do not know that the magistrates stipulate with the person applying for the licence that he shall not open such a house?—I cannot speak positively as to that, but I believe, if the Surrey magistrates were to know that a house was going to be opened without accommodation, they would not grant the licence.

5238. But they have not done it in any house that you know of?—No.

3239. You have known of several lately, and there are no inquiries after they have got the licence and are being constructed in this way, and are what you term gin palaces?—I am not speaking about very recent houses, but alterations

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are continually carrying on all over the town; it applies to the fronts, and so on, and affording no accommodation to sit down.

5240. But these gin palaces are a novelty of late years?—They have been in vogue now for many years.

5241. Within the last twenty years?— Yes.

5242. And are on the increase?—Yes, decidedly.

5243. Mr. *K. Seymer.*] Houses that already have licences change their form, and become gin palaces?—Yes, partially so; they have a little accommodation, but not so much as they had formerly.

5244. *Chairman.*] Is it usual for a house not to be constructed when the licence is applied for, or are there some houses ready for the accommodation of the public when the person applies?—The houses for which licences are generally applied for now are in new neighbourhoods, and they are built for the express purpose of being converted ultimately into public-houses with good accommodation.

5245. Those houses are constructed as they are intended to continue, and they are ready for the accommodation of the public?—Yes; they get a beer licence, and carry it on for some time before they apply for a victuallers' licence.

5246. Is it the old houses that are converted into gin palaces?—Yes, generally speaking.

5247. Have you ever given any information to the magistrates on the subject, alleging that you thought they rather tended to the increase of drunkenness?—No.

5248. Sir *G. Grey.*] You have been three years and a half superintendent of this district?—Yes.

5249. During that time has there been an increase in the number of public-houses and beerhouses?—No; I do not think there has been much increase in the number of public-houses, because several have lost their licences, and several new houses have been licensed, which would make it about the same.

5250. Is there much new building going on in the district?—In some parts of it.

5251. Is the population on the increase?—Yes.

5252. Mr. *Brown.*] Do you think that the apparent accommodation granted in these public-houses is frequently with a view to use the house as a ginshop, and merely a cloak for a ginshop, and not with an intention of giving that suitable accommodation to the public that a public-house ought to give?—Decidedly for the purpose of driving them out of the rooms to the front of the bar.

5253. Sir *G. Grey.*] Do you know the population of the district?—One hundred and sixty thousand three hundred and twenty-five; the parish of Bermondsey alone is 47,836.

5254. What number of police constables are there in the district?—Three hundred and forty-three altogether, as I have 50 of the A reserve whom I send to other districts when required.

5255. That is for the whole district which you have described?—Yes.

5256. Is that a sufficient number to enable you to keep these public-houses and beershops under proper supervision?—Yes.

5257. Have you any suggestions to make to the Committee as to any alteration of the law, which would tend to prevent any of the evils which are alleged to arise from the existence of a large number of beerhouses or public-houses, or do you think the present powers of the law, if properly executed, is sufficient?—I have made a memorandum of what I consider the evils, and the remedies I would suggest for them.

5258. *Chairman.*] These are the evils that you consider to arise in these houses of public entertainment generally; you have enumerated several?—Yes.

5259. Wine-rooms, eating-houses, shell-fish shops, and all those?—Yes.

5260. Sir *G. Grey.*] Read that memorandum?—Yes. "The evil arising from public-houses, wine-rooms, coffee-shops, eating-houses, shell-fish shops, &c., keeping open after 12 o'clock at night, more especially on Saturday nights, is, that prostitutes, drunken, disorderly, and disreputable persons, after leaving the beershops and places of amusement, resort to such houses, and disturbances are continually occurring, by which the streets are kept in an uproar all night, preventing the inhabitants from enjoying their rest, and giving facility to thieves by taking the constables from their beats. The majority of licensed victuallers who keep

their houses open after 12 o'clock at night do so for the express purpose of serving prostitutes and disreputable persons up to two or three o'clock in the morning. The free vintners are also a great evil, by using or transferring their privilege to other persons, by means of which they can keep open all night without a victualler's licence. I believe it would be a great public benefit if licences were granted for persons to retail wine and spirits, not to be drunk on the premises; the licences to be charged according to the rental of the house; and to ensure respectability, no licence should be granted under a certain rental. Publicans and all other persons who sell refreshments of any kind should be liable to a penalty for so doing between the hours of 12 o'clock at night and four o'clock in the morning. If this was carried into effect, it would prevent a great deal of drunkenness and immorality, by closing the houses and clearing the streets from stalls of various descriptions which at present make their appearance at midnight, and are the resort of prostitutes and other disreputable persons during the remainder of the night; but if it is considered absolutely necessary that houses should be kept open all night (near the markets, or elsewhere), the publicans should be called upon, when applying for their licences, to state the necessity for such houses being kept open; and the magistrates should be empowered to grant a special licence in cases where they considered it expedient, the publican paying an extra sum for such licence." I myself see no necessity for any place of refreshment or stall in the street being opened between the hours of 12 at night and four in the morning. If it was known that persons could not get refreshment at these houses, those who required it would provide themselves beforehand, and if not, it would not be long for them to wait.

5261. *Chairman.*] You are speaking now from considerable experience you have had in the force?—I have had 21 years' experience in the police establishment.

5262. You would not interfere with the accommodation or conveniencies of the public at all, by closing these houses of public entertainment between the hours of twelve or four?—No, I think not.

5263. Is there not a great number of persons about the streets between twelve and four; not disorderly characters, but people coming from places of public entertainment and returning from journeys, and who have various reasons for being in the streets at that hour?—Yes; but if I went to a place of public entertainment, I could remain very well till I got home without refreshment anywhere about town, so much facility as there is for getting about now.

5264. And if there is any inconvenience arising from that, it might be met by enabling certain persons to obtain special licences for keeping open their houses all night, or for certain hours in the night, when others are closed?—Yes.

5265. Would you say that they should pay more, or be more strictly inquired into as to their character, and that they should be better known if they did obtain such licences?—Yes.

5266. And that would meet the only evil which might be expected from closing all houses at the hours you have named?—Yes; as far as the respectable public-houses are concerned, the majority of them close at 12 at night. Then the beer-shops are shut at the same hour, and we get all those loose and disorderly people in the streets, and they go to eel-pie shops and coffee-shops and into public-houses, and there get drunk and create disturbances, and get turned out, and the street is in an uproar the whole of the night.

5267. Does your opinion as to the propriety of closing houses extend to coffee-shops and shell-fish shops, where they are not licensed to sell spirits and intoxicating liquors, just as much as the others?—Every place of refreshment, and every stall in the street as well. It would cause persons who are now roaming about all night to go home and go to bed.

5268. Many of these coffee-shops are kept open all night regularly from year's end to year's end?—Yes, and some do not open at all in the daytime.

5629. Do you know much about these coffee-shops, not having any right to enter them; are they conducted in a disorderly way, or do they harbour bad characters?—We have a right to enter them, and they are liable to the same rules as the publicans are if they keep disorderly characters in their houses.

5270. If there is riot or disturbance being committed, you can be called in and take a charge, but you cannot go into coffee-shops as you do into public-houses, can you?—Yes.

5271. What is your authority for doing that?—I think it is a clause in the Police Act, "all places of refreshment."

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5272. Are those the words in the Metropolitan Police Act?—I am not quite clear about it; but we do it; I do it frequently.

5273. What is your experience of the coffee-shops; are there some bad ones in the town, and do they harbour bad characters?—Yes; more so in some districts than in mine.

5274. Is it the practice anywhere, when the public-houses and beershops are closed, to go to the coffee-shops?—Prostitutes and persons of that description go to those places.

5275. Not being able to get into the others?—Yes, not being able to get into the others, or not having money enough. They go to sleep in these places all night; they sit with their heads lying on the table and go to sleep; they get their pennyworth of coffee, and sleep for an hour or two over it.

5276. Mr. *Brown.*] How would you deal with travellers and seafaring men who are arriving at all hours of the night, and Members of Parliament who are detained here till three in the morning?—I do not imagine that there are many Members of Parliament who call at those houses going home at night.

5277. *Chairman.*] Would you close the clubs as well as the coffee-shops?—I do not see why there should be any distinction made; certainly places of that kind do not come under the denomination of disorderly houses. These are extreme bad cases. Nearly all these night houses are badly conducted.

5278. Mr. *K. Seymer.*] What proportion of these 418 public-houses are night houses?—Very few of mine.

5279. Saying, as you do, that the magistrates are so careful and impartial, why cannot you at the proper time take care that these houses do not have their licences renewed?—Because there is not sufficient to justify us in summoning them; or rather, the magistrates do not consider that there is sufficient to justify them in convicting them. For instance, in summoning publicans for allowing persons of notoriously bad character, prostitutes, and thieves, to meet together, and remain in their houses, which is the wording of the Act, some magistrates consider that a quarter of an hour or 20 minutes is not an unreasonable time for them to be in, and have frequently discharged cases when they have been summoned.

5280. Mr. *Brown.*] How would you deal with travellers who are coming home after the hours you speak of; travellers after a fatiguing journey want refreshment; sailors coming home from sea frequently arrive in the middle of the night?—Then they should go to a respectable place to get their bed.

5281. How are you to draw the line of respectability; where is the line of demarcation?—If that is to be the case, the whole of them would keep open the same as the club-houses. The club-houses do not shut up at 12 on Saturday night.

5282. Mr. *K. Seymer.*] Is it not desirable that the police magistrates should send a record to the county magistrates of the convictions of beershops?—That might be desirable.

5283. I understood you to state, that the licensing magistrates who would have the power, and who refuse to shut up a beershop, are not always acquainted with the fact of the convictions that have taken place?—No; except at the end of the year, before licensing day.

5284. How do they become acquainted then?—Because I make out an abstract of the offences against the publicans in the district, and lay them before the licensing magistrates.

5285. But not of the beershops?—No; the magistrates have nothing to do with the beershops; the beershop-keeper gets his license from the Excise. The licensing magistrates have no control over the beershop-keeper at all.

5286. *Chairman.*] When a beershop-keeper is summoned for any offence, the magistrate is not bound to know that he has been convicted before?—But he is generally told, if he has been.

5287. It is the police magistrate before whom the beershop-keeper is summoned?—Yes; the licensing magistrates have nothing to do with the beershop-keepers.

5288. Is there any communication between the police magistrates and the licensing magistrates?—Not that I am aware of.

5289. Acting under the authority of the Police Commissioners, you regularly attend before the licensing magistrates?—Yes.

5290. Do you consider it a part of your duty?—Decidedly; it sometimes occurs

occurs that the police magistrate who hears a case, and considers it a bad case against the publican, directs that the particulars should be laid before the licensing magistrates. We should do that without those directions. The statement I have handed in is a case in point, where Mr. Coombe directed that the conduct of the man should be laid before the licensing magistrates. In that case I could not summon the publican; for this reason, a sale took place off his premises by another man, and he submitted to allow his brother-in-law to be convicted in a penalty of 5*l.* for selling without a licence, because he did not think that would affect him; but when laid before the licensing magistrates it was found that it did.

5291. Sir *G. Grey.*] Are there many places of public entertainment in your district?—Not many; very few indeed; there is the Surrey Music Hall, and the St. Helena Gardens.

5292. *Chairman.*] Are they licensed?—Yes, both belong to the same party, and are well conducted.

5293. Sir *G. Grey.*] Are there no places called dancing saloons?—Yes, there are one or two; but they are well conducted now.

5294. *Chairman.*] Have they generally spirit licences?—No.

5295. Beer licences?—Beer licences.

5296. And music licences?—Yes, music and beer licences; there are some.

5297. In that district that you have referred to as being very low, are there less of these dancing saloons than in other districts of the metropolis?—Yes, I think so, generally speaking.

5298. Sir *G. Grey.*] Are any of them attached to public-houses or beershops?—They sometimes have music at beershops. In fact, it is a very common practice for the beerhouses to have music and dancing, and so on, without any licence for it; and without there is an act of disorder we cannot deal with them.

5299. Are there any rooms expressly appropriated to the purpose of dancing saloons attached to public-houses or beershops?—Only one to a beerhouse, and that is well conducted.

5300. Are there any temperance hotels in the district?—No; there are many coffee-shops and places of that kind which are called temperance houses, but they are not hotels.

5301. Are there any theatres?—None.

5302. *Chairman.*] Does any evil arise from these dancing rooms or concert rooms?—Certainly; no good arises from them.

5303. But they are more innocent than the public-houses or beershops?—Separately they are much better; if they are well conducted, I see no harm in them.

5304. Is there not a growing taste for these things, and it rather indicates an improvement in the habits of the people that it should be so?—As far as my district is concerned, I cannot say there is much of a taste for it; there does not seem to be any increase. There is only one decent place. I had a public-house in which there was dancing and fiddling, and prostitutes, which I summoned twice within the last month. I do not think the licence is transferred to the party who is in that house yet, and if it is not, I expect the licensing magistrates will refuse it. I have sent the particulars of it to the magistrates' clerk.

5305. Would that be against the tenor of the licence, that there should be a dancing room in a public-house, and that there should be a promiscuous assembly there to dance and sing?—If there is an act of disorder, it certainly is. In the case that I am mentioning, the party, as soon as he got into the house, allowed music and dancing, with prostitutes and so on, night after night, and he was summoned. I told the inspector not to mention the other case against him, as I did not wish to press hard against the man, although he had been cautioned over and over again, and in fact put the police at defiance. The magistrate let him off with the cost of the summons, with a caution that if he repeated the conduct, he should deal severely with him the next time. The very same night, after leaving the police court, there was the same disorder and prostitutes allowed to be in the house, after being pointed out by the constables as being such. He was again summoned, and fined 40 *s.*

5306. Sir *G. Grey.*] Define more accurately what you mean by disorderly conduct; "disorderly conduct" is the term used in the Act; suffering persons to be guilty of drunkenness or disorderly conduct in one of these houses subjects the keeper of one of these houses to a penalty; you do not mean having dancing

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and music playing in the house constitutes disorderly conduct?—It is for suffering prostitutes to be there; prostitutes are expressly named in the Acts.

5307. Mr. *K. Seymer.*] Are you speaking of the Act or the licence?—The Publican's Act, and the Police Act too. The words are, I think, "knowingly permitting and suffering prostitutes and other persons of notoriously bad character to meet together and remain therein."

5308. Sir *G. Grey.*] Therefore when you speak of those persons allowing disorderly conduct, you do not mean that allowing dancing in their houses would be disorderly conduct, unless the characters come within the prohibition in the Act of Parliament?—I should summon them for allowing prostitutes to meet together, and to remain in their houses, leaving the magistrates to judge whether it was disorderly or not.

5309. You would not lay an information or issue a summons against the keepe of one of those houses if respectable people met there and danced, and listened to music?—We do not do that.

5310. Mr. *W. Brown.*] You would be the sole judges of who was respectable and who was not?—Yes; in all cases where I think the party ought to be summoned, I make application to the Commissioners, and if they think it a fit case, they mark it for a summons.

5311. Sir *G. Grey.*] When you speak of respectable persons, do you mean persons who do not come within the description of persons prohibited by Act of Parliament?—We should not summon in cases of that kind.

5312. Or persons of not known bad character?—We should not summon any publican for that; if it be coupled with drunkenness and great disorder, we should; we can generally do away with that by cautioning the publican.

5313. *Chairman.*] Is it no object to the publican to have disorders in his house, or riot, or drunkenness; his object is to sell as much beer as he can without there being drunkenness?—Yes; the publican always takes care to serve as long as he can do so without rendering himself liable to the Act of Parliament; as soon as a party gets drunk and disorderly, he turns him into the street, for the police to deal with him as they may think proper.

5314. Mr. *K. Seymer.*] He has no objection to letting him drink, if he does not get drunk?—Not the least; generally speaking, that is too often the case; there are exceptions; there are some who refuse to serve a drunken man when he goes in.

5315. *Chairman.*] He is bound to do so?—Yes.

5316. But the man who has the greatest custom can sell the goodwill of his house for the highest price, can he not?—Yes, generally speaking.

5317. If that house belongs to any other person, not the publican himself, it might belong to a most respectable person, they would have no object in discouraging these sort of persons meeting at their house?—Supposing it is conducted without complaint.

5318. For instance, if the brewers were the actual persons who own the greater number of these houses, they would have no interest in suppressing these sort of meetings at the house, or these proceedings, which you term disorderly?—Their object would be to keep the house as orderly as possible, so for the party not to render himself liable to the forfeiture of the licence.

5319. But still to sell as much beer as possible?—Yes.

5320. Sir *G. Grey.*] Consistent with the security of retaining the licence?—Yes.

5321. Mr. *W. Brown.*] That is, to come as near the verge of the precipice as possible, without going over?—Yes; one is almost inclined to think, sometimes, that the publican can hardly be in his right senses in allowing so much disorderly conduct going on when he is doing a thriving trade.

5322. *Chairman.*] Do you know anything of the circumstances of the persons who keep these disorderly houses; have they much to lose, supposing a licence is taken away; for instance, if they are merely servants of another party; have they as much interest as if the whole stock belonged to themselves, or the houses were their own?—No, they certainly have not so much interest; but there are many of them who have a considerable stake, although a great number of the houses belong to the brewers; yet a man must have some money before he can borrow from the brewers.

5323. Sir *G. Grey.*] When you speak of the houses belonging to the brewers, you do not mean that the occupant of the house is the mere servant of the brewer?—No;

—No; the plan is usually this, as I am given to understand; that, supposing I want to take a house which would require 3,000*l.*, I go to the brewers and say I have 1,000*l.*, if you will lend me the other; and he lets me have the 2000*l.*, for which I have to pay 5 per cent. and carry on the business. Then, if the brewer finds there is a decrease in the sale of beer, and that does not answer his purpose in this house, he calls his money in, and then I am obliged, as a matter of course, the lease being in the brewer's hands, to get out of the house in the best way I can.

5324. *Chairman.*] That gives the publican a great interest in increasing his custom?—Yes.

5325. And if he has made bad terms with any one who has advanced him the money, he is not particular in the mode in which he increases the custom?—Yes.

5326. Sir *G. Grey.*] The only risk in that is the risk of forfeiting his licence if he increases his custom by encouraging disorderly conduct in his house?—That is the only risk that I see.

5327. I understood you to say, that in your district the character of the public-houses and beerhouses had improved, owing to the vigilance of the police?—In a very great measure.

5328. Is it a result of that vigilance of the police that there is an increased risk of their incurring a forfeiture of their licence if they allow disorderly conduct?—Yes.

5329. Do you think that that is a sufficient check, generally speaking, on disorderly conduct?—I know of no other check, unless the magistrates deal more severely with the cases which are brought before them than they do. The fines are generally very small.

5330. *Chairman.*] As far as I understand you, generally speaking, these publicans are dependent on somebody either for the money advanced to take the houses, or for the account which they have with the brewer, or from some other circumstances, they are not independent men?—Very few indeed of them.

5331. Sir *G. Grey.*] But that check appears to be one applicable only to the publicans, and not to the beerhouse-keepers, because their licences do not depend on the magistrates?—No.

5332. What is the check on the beerhouses, arising out of the vigilance of the police?—The check is merely the pecuniary fine; they are a class of very poor men, who can less afford to pay 40*s.* than a publican can afford to pay 20*l.*

5333. Do you think that the fines actually imposed by the magistrates in your district upon beerhouse-keepers when convicted, operates as a sufficient check upon misconduct on their part?—I think so.

5334. Mr. *W. Brown.*] Are you of opinion that you should have authority, on the request of the landlord, to enter his house when he finds he has in it a number of disorderly characters who are not disposed to go out at the time when he is compelled to shut his doors, and assist him in putting those parties out without his giving them in charge to you?—I do not quite understand the question.

5335. As I understand, you have not the power of going in now to a public-house, even at the request of the landlord, unless he is prepared to give the parties in his house in charge to you?—It is the general practice of the landlord to turn them out for the police to deal with. If it is an extreme case, where the landlord is liable to be assaulted, the police would assist him.

5336. You would not go in at his request unless you were made conscious by other means of a riot in his house?—Yes, we should.

5337. Sir *G. Grey.*] The general rule is, that the police constables are prohibited from going into public-houses, in order that they themselves may not be induced to get drunk?—Yes; or it would lead to an excuse for them to neglect their duty.

5338. Mr. *W. Brown.*] If they do it at the request of the landlord, in order to aid him in clearing his house, would not that place them on a different footing?—Yes; cases of that kind do not frequently occur, because the landlord has generally got a barman or a potman who assists him in clearing his house.

5339. Mr. *K. Seymer.*] You stated that there are in your district some public-houses of a notorious character, but with respect to which the evidence you can bring against them is so defective, that the magistrates do not refuse the licence; can you propose any remedy for that evil?—Now there are not. I have had some bad houses, but, generally speaking, the magistrates have taken the licences away. The magistrates have dealt very fairly in those cases.

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5340. But, in point of fact, those night houses which you describe as disorderly houses, did not get their licence refused?—No; exactly because they have not been summoned. They just go to the verge, but hardly beyond it, sufficient to justify us in summoning them. Unless we have a clear case of disorder we should not summon them. It is difficult to say what is a clear case of disorder in a case of that description.

5341. Would you propose that power should be given to any police authority to close houses, although the cases you may bring up against them may not satisfy the magistrates that they are notoriously of bad character?—I think, if the Act was sufficiently carried out by the magistrates, that the law is quite severe enough at the present time.

5342. Do you think it is some defect on the part of the magistrates which enables these disorderly houses and these night houses to remain open from year to year?—Yes, unless you could close them altogether; it is almost difficult, unless you were to see the class of persons, for you to form an opinion of these night houses. For instance, you will have cabmen and their companions who are out of employment, and you will have prostitutes and their companions, and you will have costermongers and persons of that description; some of them drunk and some of them half drunk, and larking about, and so on, which does not constitute exactly disorder in the version the magistrate puts on it, but as soon as they get drunk, and I may say riotous in the house, they are bundled out into the street for the police to deal with them there. The consequence is, that the police take these parties to the station-house, and when there are three or four of these houses within a quarter of a mile, you are continually having a mob of these disorderly characters in the streets, and the police are employed in going backwards and forwards with these disorderly characters, and their time is so taken up, instead of looking after thieves.

5343. Does not all that tend to show that the police are the parties who should have power to close these houses?—I do not hardly know that, except you make a general rule of closing all these houses at 12 o'clock at night.

5344. *Chairman.*] Can you state at what hour it is that these scenes which you have just described occur; is it after 12 o'clock?—Yes.

5345. When they are turned out of these houses, and give so much trouble to the police, it is after midnight?—Yes.

5346. Would it diminish the labour of the police very much if these houses were closed at 12 o'clock?—Yes.

5347. Could you reduce the force at all in number if these houses were closed at the hour you have named?—No, I do not think the force could be reduced very well; it is not too numerous now under the circumstances.

5348. But it does occupy them very much?—Yes; and they would then be much more beneficially employed for the public.

5349. Sir *G. Grey.*] You stated that you thought the law was sufficient, if the magistrates enforced it with more rigour in that respect; do you think the magistrates could now enforce the law with more rigour; and do you speak of the magistrates before whom the summonses are brought, and whose duty it is to deal with those summonses, or of the magistrates of the county, who grant or renew the licences?—I am speaking of the police magistrates who deal with those cases of summonses; I think where a publican allows persons to get drunk in his house, and the moment they kick up a row bundles them into the street, it ought to be considered a case of disorder on the part of the publican.

5350. But the police magistrates generally take a different view?—Yes, we do not summon in those cases; we know that the magistrates will not convict.

5351. Am I to understand you to say that the licensing magistrates only take notice of convictions, and not of any general allegations made by you of irregular or disorderly conduct?—They have generally on convictions only.

5352. *Chairman.*] You stated everything you have to say with respect to these public places, have you not, in that written paper which you have handed in?—Yes.

5353. Is there any other description of house that you know anything about, that you can give any information on, such as casinos?—I have nothing of that kind in my district.

The Reverend *Francis Bishop*, called in; and Examined.

5354. Mr. *W. Brown.*] YOU stated to me that you were desirous of giving some further information about drunkenness, not only in England, but from some observations you made with other clergymen in the United States; be so good as to state what that information is?—There is very much less of drunkenness generally in the United States than in this country. I had opportunities of thoroughly investigating the state of things in Boston, and in the city of New York, under the guidance of the police and clergymen, and clergymen who are employed exclusively among the poor: ministers at large, as they are called in America, who are without regular congregations. During a tour of about 8,000 miles through the New England States, and in the West, and in some of the Southern States, I made it a special object to ascertain the habits of the people in regard to temperance, and I was very much impressed with their great superiority over the working people of this country.

5355. Notwithstanding that spirits are exceedingly cheap there?—Notwithstanding the great cheapness of spirits; though the drunkenness that does prevail is mainly from spirits, and not from malt liquor, which is comparatively little used.

5356. I think some of your United States visits were made in company with a clergyman, the brother of the late American minister in this country?—Yes.

5357. In several visits you made in London, Liverpool, and elsewhere, have you been accompanied by other clergymen, and was it your special business to inquire into the habits of the people as to drunkenness?—Yes, that was the case; I went through the St. Giles' district, about the Seven Dials, into the homes of the people, and also in the East of London, with a brother-in-law of Mr. Abbott Lawrence, the late Minister at the Court of St. James', with whom I made visits also in Boston, in America; and he was very much struck with the great superiority of America, his own country, over ours, in regard to drunkenness. Within the last fortnight I have visited, with a friend from Philadelphia, the same districts in London, and also in Liverpool, and he was quite appalled at the amount of intemperance.

5358. That was Dr. Gannett, from Boston?—With Dr. Gannett I visited in Boston; with Dr. Bigelow I visited in this country.

5359. Did you observe or make inquiry as to the price of spirits and the access that the people had, in the United States, to intoxicating liquors, as compared with those in this country?—The price of spirits is very low indeed; I cannot state with accuracy the amount, but whiskey and other spirits can be had at a very low price.

5360. There is the readiest access to intoxicating liquors in those parts of the United States you have travelled through?—There is a very ready access in most of the States; a great number of places licensed for the sale; but they are not so conspicuous as the ginshops in this country. They are not so gay or prominent; they are very often underground cellars.

5361. Do you know anything with regard to the regulations affecting the trade in the United States; are they subject to the control of the magistrates, or obliged to have licences, or are they under any restraint which you can state?—They are under the supervision of the police, and are obliged to have special licences, for which they pay in some instances. That is the case in every State where the traffic is permitted. In some it is prohibited altogether.

5362. Lord *D. Stuart.*] Is it prohibited in any State except the State of Maine?—In Maine, Massachusetts, Vermont, Rhode Island; and a law has been passed in the State of Michigan prohibiting the sale, which, before taking effect, was to be submitted to the people on Monday last. Of course the result cannot yet be known in this country.

5363. *Chairman.*] Do they get licences in the States where spirits are not prohibited, by applying, or paying the requisite fee?—In New York, where there is no prohibitory law, they have to apply for licences; but whether there is any discretionary power on the part of the Commissioners of Excise, who grant the licences, I am not sure; I am inclined to think there is.

5364. You saw many of these houses; you did not see that the number was at all limited, as compared with the population, and, in fact, the people had the readiest access to these intoxicating drinks?—There is a large number in New York; but, as far as I could judge, from a general view, not so many as in this country, and they do not stand out with the same prominency; they are generally of a humbler class as to appearance than our "gin palaces."

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5365. Have you made any observation yourself as to the reason why there is less drunkenness there than there is here?—Yes.

5366. Do you refer it at all to the state of the law, or to the restraints under which the public-houses are placed there?—I did make observations with a view to that inquiry, and it appeared to me that there was altogether a different feeling in the public mind in regard to this subject to what prevails in this country.

5367. That subject being drunkenness?—Yes, and the use of intoxicating drinks; the temperance societies, I mean what are called the teetotal societies, objecting to the use of these drinks in any quantities, are much more numerous, and more influential, in the United States than in this country, and they are supported actively and zealously by the great majority of the clergy of all denominations, by eminent merchants, and by professional men of all ranks.

5368. You ascribe it then to that influence, and not to any state of the law?—That, and I should say to the more general diffusion of education among the American people; they are much better educated in the New England States than the corresponding class of people in this country, owing to the operation of the public school system.

5369. We have your opinion distinctly, that it is owing to those causes, and not to any difficulty of getting spirits, that there is more sobriety there than here?—Owing to those causes principally; except in the States where the Maine law exists, there is no difficulty whatever in getting spirits, and in getting them at a much lower price than is required for them here.

5370. What led to the change in the law, or the difference of the law, in those states where the sale of spirits is prohibited?—Mainly the exertions of the temperance societies.

5371. And probably the still greater influence of the same moral causes which exist, in some degree, in the States where the sale of spirits is still allowed?—Yes.

5372. Sir *G. Grey.*] Only the influence was exerted in those States, I presume, by imposing a restriction by law, instead of its being merely a moral influence exercised on the minds and feelings of the people?—From the strong feeling there as to the evil of drunkenness, there was a desire to apply a more expeditious remedy than the gradual influence of moral causes.

5373. To enforce those views by compulsion, instead of by merely moral influences?—Yes.

5374. Do you know what has been the effect of the Maine law; has it practically stopped the consumption of intoxicating liquors in those States in which it has been adopted?—It has, I know, in many parts of the States where it prevails. I was not in the State of Maine, but I have had very trustworthy accounts from that State from a friend in Portland, one of the principal cities, a seaport, containing about 30,000 inhabitants. The prohibitory law took effect there in June 1851. My friend forwarded me a report of the mayor of Portland, addressed to the town council six months after the law came into operation; and in that report there was one remarkable fact, which I well remember; although it was a seaport, and with a population of 30,000, the mayor was able to state that the city prison was quite empty.

5375. *Chairman.*] Was this Maine?—Portland, in Maine; and there were statistics given to show the diminution of pauperism as well as of crime generally. I paid particular attention to the operation of the law in some parts of Massachusetts; also in Rhode Island; and the good effects were very obvious. I ought to say at Boston the law is not carried out, owing to some technical difficulty. The mayor and the local authorities were in fact opposed to the law; and shortly before it came into operation, in June last year, they granted a number of licences, which had a prospective bearing, of course, for one year, and that threw difficulties in the way of the enforcement of the Act, as far as Boston is concerned; but at Lowell, the chief manufacturing city of Massachusetts, the law is strictly carried out; and I heard from the mayor of Lowell very gratifying accounts of the good effects; and I have some statement of the effects of the law, from a friend of mine, a minister at Lowell, in which he gives from the police statistics some account of the operation of the law. On this subject, I beg to present the following extract from my last report to the Liverpool Domestic Mission Society. "During my stay in the United States, it was a matter of great interest to me to inquire into the working of the Liquor Law, intitled 'An Act for the suppression of Drinking-houses and Tippling-shops,' adopted in the state

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of Maine, in June 1851, and subsequently in Massachusetts and Rhode Island. By this law the traffic in intoxicating drinks is absolutely forbidden, except for strictly mechanical and medicinal purposes. I was unable to visit the State of Maine itself, but I heard from reliable sources very favourable accounts of the operation of the law. The sentiment of the people was so decidedly in its favour, and without this such a statute would, of course, necessarily fail, that it was almost everywhere readily obeyed, and was speedily followed with the best results. The mayor of Portland, one of the principal cities in the state, says, in his report to the board of aldermen and common council, dated 15 January 1852, *i. e.* little more than six months after the law took effect: 'From the first, the prompt and energetic execution of the law in this city was submitted to cheerfully and quietly, the wholesale dealers in spirits promptly abandoned the business, which it was impossible to carry on a single day under this law; and all those retail dealers who had any self respect pursued the same course. Many persons who were habitually intemperate abandoned the use of strong drinks; at first from the difficulty of procuring them, and afterwards they were fully sensible that they and their families were much better without them.' After a variety of statistics, showing how crime had diminished since the enactment of the law, he says, that 'the number committed to the house of correction for disturbances from June 1st to December 31st, 1850, six months, was 40. The number committed from January 1st to May 31st, 1851, five months, was 34; from June 1st (the law was approved June 2d) to October 16th, the number was eight; from October to December 31st there was none.' And to these figures the mayor was able to add, and that in a seaport of nearly 30,000 inhabitants, the remarkable statement, 'The house of correction is now empty.' After a year's experience of the law, the question of its continuance was referred to the people at the state elections of last year, when swayed by the palpable excellency of its fruits, they decided by an overwhelming majority in favour of its permanence. In Boston there were technical difficulties in the way of the execution of the Massachusetts law; but in the cities of Worcester and Lowell, in that State, and in Providence, in Rhode Island, I saw, in the utter absence of all signs of drunkenness, and its attendant train of calamities, the most gratifying indications of its happy effects, while I heard but one opinion from all with whom I conversed in these cities on the subject, namely, a decided and unqualified approval of law. A similar enactment has been passed in New Brunswick (as far as concerns *spirits*, the New Brunswick law does not forbid the sale of *all* intoxicating liquors), and has received the signature of Queen Victoria; and already has an agitation commenced in favour of a similar law in this country. It will, therefore, be a matter of no little importance and interest, to watch how the law in America may stand the test of longer time and wider experience. The Rev. Horatio Wood, minister at large in Lowell, says, in his recently published report: 'The Maine law became the law of this state on the 22d July last. Immediately many of the first citizens, I might almost say the citizens *en masse*, and the city government, came forward with a determination that the law should be obeyed as law and for the public good. * * * Here then men will look for the first and best fruits; they will not look in vain; a change for the better is too obvious to be questioned. The gaol in this city speaks to us a strong word:

Committed to it from July 21 to October 21, 1851.		Committed to it from July 21 to October 21, 1852.	
Whole number	78	Whole number	57
Belonging to Lowell	72	Belonging to Lowell	46
Addicted to intemperance	71	Addicted to intemperance	47
Minors	15	Minors	8

'The police report speaks to us in language not to be mistaken:

For Three Months ending October 22, 1851.		For Three Months to October 22, 1852.	
Committed to the watchhouse for drunkenness	160	Committed to the watchhouse for drunkenness	70
Reported seen drunk, not arrested	396	Reported seen drunk, not arrested	110
Total	556	Total	180

"Warrants returned to the police court during the same time, in 1851, including all offences, 248. Warrants returned, during the same time, in 1852, including

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including all offences, and 33 liquor search warrants, 186. The police statistics were obligingly furnished by the city marshal with the following remarks: "It will be seen, by comparing the above statistics, that the amount of drunkenness for three months ending October 22 (which are the first three months that the new liquor law has been in operation) is 67 per cent. less than during the same period last year; and that the criminal business of the Lowell Police Court has been reduced 25 per cent., including the liquor search warrants, and deducting them, you will find it reduced 38 per cent. At the office of the chapel," continues Mr. Wood, "during the same months taken above, the calls have been this year, one-third less, and fewer of the most miserable class. I have made particular inquiries in the neigbourhood of streets where there has been the most tippling, and all through the streets themselves, whether there is any difference. The answer is but one: 'Oh, yes, very great; one can sleep nights now; there is more peace and comfort.' Reeling, quarrelling, and fighting, are comparatively rare. Houses are in better order, more cleanly. Personal appearance is improved. Bloated countenances subside into firm flesh. Children are better fed and cared for, and see a new day of happiness. The haggard and saddened mother smiles again. The houses rejoice on every side. * * * Debts are better paid, and rents and store bills. I ask the grocers. They answer with a smiling 'Yes.' The good effects of the law are felt through all the business of the city, except one. The cause of education is benefited, the cause of morality, and the cause of religion, for the neglected house of God begins to be fitted for and sought."

5376. *Chairman.*] The law you refer to is a prohibition?—Yes.

5377. Sir *G. Grey.*] A prohibition of the sale of spirits, or of all intoxicating liquors?—All intoxicating liquors, all beer, porter, cider, and so on.

5378. Not a prohibition of their consumption in private houses?—No.

5379. Mr. *W. Brown.*] In many other States are you aware there is no restriction; any man may sell spirits who pleases; grocers sell them?—I am not aware of that; my impression is the contrary; I think that a licence is in all cases required, but spirits can be had at a very cheap rate. I am sorry to say there is too much reason to believe that many of the poor Irish emigrants, when they go there with their habits, drink very freely.

5380. The object of the licence is to raise a revenue, not to prevent any man from getting a licence who chooses to ask for it?—I infer that in the State of New York the object is more than that, that it is intended to restrict the trade on the presumption that it is a dangerous trade, because every publican in the city of New York is obliged by law to pay a dollar and a half annually to the treasurer of the Society for the Suppression of Juvenile Delinquency, and the amount goes to the support of the juvenile refuge, which is a reformatory school to which magistrates commit young criminals.

5381. Sir *G. Grey.*] How long has this law been in operation in any one of the states you mentioned?—It was first adopted in the State of Maine about two years ago. It has been a year in operation in some parts of Massachusetts and Rhode Island; it has not been longer than two years in operation in any of the States.

5382. Had there been in any of those States a large sale of intoxicating liquors previously to the adoption of the law?—I am not aware that there was; I believe in the State of Maine there was more drunkenness than in the other northern States.

5383. You mentioned that in Michigan the law was to be submitted to the ratification of the people before it was adopted; was that the case in the other States?—It was in some of them, and there was an attempt made in the State of Maine to get the law repealed at the close of the first year, and that was submitted to the people, and by an overwhelming majority (I do not remember the figures) the people voted for the continuance of the law.

5384. Do you believe that this law has been adopted in these several States with the general concurrence of the inhabitants of those States?—Where the law is operative it has had a general concurrence; it would be impossible to carry it out without that.

5385. You do not believe it would be possible to enforce such a law, except with the general concurrence of the people subject to it?—Certainly not.

5386. Lord *D. Stuart.*] In those cases, where the law exists, I understood you to say that the people might in their private houses have some liquor?—They can buy

buy it in quantities from other States where the law does not exist, under the protection of the federal laws, or the general laws of the United States. These prohibitory laws are laws adopted by the separate States where they prevail, and they cannot over-ride the general laws of the Union.

5387. If a person wishes to have liquor to consume in his own house, is the only way in which he can procure it by sending to some other State and importing it?—That is the only way by which he can legally do it.

5388. Mr. *K. Seymer.*] It is not allowed to be sold wholesale in those States?—No.

5389. The sale is entirely prohibited?—Yes; and the wholesale traffic was immediately given up in the State of Maine after the passing of the law.

5390. *Chairman.*] It might be given away; a man might give another person a glass of spirits?—Yes.

5391. And he might take his money for something else?—I am not aware that the law is evaded in that way.

5392. Have you not heard of some ludicrous instances of evasion in the State of Maine?—I have not.

5393. Mr. *W. Brown.*] You never heard of the striped pig, where a party paid twopence to see a striped pig and received a glass of whiskey?—No.

5394. Lord *D. Stuart.*] Can no wine merchant carry on business in those States?—No.

5395. Mr. *W. Brown.*] You heard Mr. Alderman Wire examined?—I heard a part of his examination.

5396. And he stated that he drew his information of the drunkenness of America from what he had heard, and from books?—Yes.

5397. You have drawn your information from actual observation on the spot?—Yes.

5398. Then you do not agree with Mr. Alderman Wire?—Not at all. I think his impression is decidedly wrong. I would mention that in the State of New York, where an agitation is now going forward in favour of the adoption of the Maine law, as a proof that agitation is not owing to drunkenness being more rife in that State than in this country, that many of the large hotels are now conducted on temperance principles; they do not sell intoxicating liquors. There is the Delavan house in the city of Albany, a very large city on the Hudson, a house that would compare with Morley's in London, or with the Adelphi in Liverpool; intoxicating liquors could not be procured there.

5399. Do they sell wine?—No; it is the principal hotel in Albany; and that is a proof I might mention, and there are many similar facts, that the travelling portion of the community, the most respectable portion, do not require intoxicating drinks.

5400. Lord *D. Stuart.*] I believe spirits are allowed to be sold for medicinal and manufacturing purposes?—Yes; they are.

5401. How is that managed?—An agent is licensed in every city or town by the local authorities, who is to supply for those purposes, and he is under a heavy bond, not knowingly to supply for any other purpose. He has no interest in the profits of the sale, but he has an annual salary; if he breaks the law of course he loses his situation.

5402. *Chairman.*] Do you reside at Liverpool?—Yes.

5403. Do you state to the Committee distinctly your opinion that there is much less drunkenness in New York than there is at Liverpool?—The city of New York is one of the most immoral places in the United States north of New Orleans, and there is a great deal of drunkenness in New York; but not so much, I believe, in proportion to the population, as in London and in Liverpool.

5404. Do you say that there is a greater facility for getting drunk, owing to the cheapness of spirits, in New York as compared with Liverpool?—Yes; and the drunkenness that does prevail in New York is more amongst immigrants from this country, and from Ireland and Germany, than amongst the native American population.

5405. Sir *G. Grey.*] Do these emigrants retain their habits of intemperance, or do they adopt the more temperate habits of the permanent residents of the United States?—Many of them adopt the more temperate habits of the people of the United States, but many, I am persuaded, kill themselves by their free use of whiskey on first landing, especially during the hot summer months. I have no statistics on that subject; they were not obtainable, to show the fact; but from

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what I heard, mixing amongst the new settlers in the west, I came to that conclusion.

5406. *Chairman.*] Should you not be of opinion that any such change of the law as has taken place at Maine, must be preceded by more temperate habits prevailing generally among the people?—Undoubtedly.

5407. It must be the force of general opinion that changes law in America?—Yes; because there is what amounts almost to universal suffrage prevailing there.

5408. It is not the effect of this very restrictive law alone, if the people's habits are improved, but the law has followed upon the improvements in the habits of the people?—It has; but it helps the labours of those who wish to improve the people; unless the people had been prepared for the law, it would have been so much waste paper.

5409. Sir *G. Grey.*] Would you believe it practicable to enforce such a law now in Liverpool?—Not with the present opinions of the people; the opinions of the people must be considerably changed.

5410. *Chairman.*] Is it within your knowledge that there was a proposition to repeal the law in Maine, and the people pronounced against it?—Yes; I do not remember the figures, but I know that a large majority decided in favour of the continuance of the law.

5411. Lord *D. Stuart.*] I understood, and I thought you yourself stated, in an early part of your evidence, that there was a great amount of drunkenness in the State of Maine before this law passed?—As compared with the other New England States, not as compared with the state of things in this country. There was more drunkenness in Maine than in Massachusetts.

5412. *Chairman.*] Are there temperance societies now at work in Liverpool, or throughout England, that you know of?—Yes; there are societies all through England; there is scarcely any large town without one or more.

5413. Is their influence on the increase or decline?—I think their influence is on the increase, decidedly; but such societies are mainly supported and worked in this country by the operative classes themselves. Here and there they have the support of a clergyman or gentleman connected with the wealthier classes; but, for the most part, their meetings are conducted, their rooms are taken, and the rent paid by the pence of the operatives.

5414. Sir *G. Grey.*] Do you not think that it is desirable that that should be the case; that they should form the societies, and keep them up themselves, if they are disposed to do so?—I think it is very desirable they should be encouraged by the example and countenance of the more influential classes as well; I would not check their own exertions, but rather stimulate them, if possible, by the concurrence of the wealthier classes.

5415. Have you any idea of the number of persons in Liverpool who belong to these temperance societies?—There are many thousands, but I could not state with any degree of accuracy.

5416. Do the members of these temperance societies take a permanent pledge or engagement to abstain from intoxicating liquors?—The pledge is understood by them generally to be the simple expression of a resolution to abstain; there is no limitation as to time; the rule is generally, if a member changes his view, if he wishes to be released from the obligation of his declaration, that he withdraws from the society, by requesting the secretary to erase his name.

5417. Do you know whether the cases of withdrawal are frequent?—The cases of breaking the pledge without such withdrawal, I am sorry to say, are much more frequent than a formal withdrawal.

5418. Are persons allowed to remain members of the society if they break the pledge?—No, the breaking of the pledge would of itself disqualify them; they could no longer be members of the society.

5419. Is the number of the members of the societies on the increase in Liverpool?—Decidedly; I know that, from my acquaintance with the operations of the different societies in all parts of the town, there has been a great increase within the last few years.

5420. Do you think that the increase of the influence of temperance societies, and the number of their members, has had any marked effect on the habit and condition of the people?—It has; I see myself most gratifying changes in many houses; I could take persons to houses in Liverpool which were once the abodes of misery and the extremest wretchedness, that now bear all the marks of comfort, intelligence, and virtue, and the change has been owing mainly to the parents, sometimes

sometimes the father, sometimes the mother, and sometimes both, having given up drinking; instead of spending their money at the ginshops, they devote it to obtaining comforts for themselves and their families, and giving an education to their children.

5421. *Chairman.*] I understand you to rely more on the change of opinion among the people themselves, than upon any sudden change of our laws, to bring about this result?—A change at all similar to that in Maine would be impracticable in this country, unless the views of the people in regard to intoxicating drinks were previously changed.

5422. You are not recommending any particular change in our law at present, though you do not consider that there is anything that tends to discourage drunkenness in the present system of licensing public-houses?—My own opinion is, that to increase the number of drinking houses, to give facilities for obtaining drink, with the feelings and opinions prevalent in this country on the subject, would be to increase drunkenness.

5423. You have no doubt that drunkenness has diminished in Liverpool?—Yes, and through the country, though in particular districts, in almost every large place, things may appear to be getting worse; but on the whole drunkenness is diminishing through the country: we know that from the returns as to the consumption of beer, and malt and spirits.

5424. You have no reason to believe that the houses for selling these things are diminished?—No.

5425. It is the influence of opinion, or temperance societies, or other causes, and not the system of licensing?—No; moral causes chiefly; not the influence of laws.

5426. You rely on the extension of those causes rather than any change of of law?—Yes, I should place my chief reliance there; but I should be glad, as an individual, if public opinion in this country were prepared for the Maine law.

5427. I think you have stated that the example of the middle and upper classes is the greatest influence that can be brought to bear on the character of those below them?—I think it is.

5428. Mr. *W. Brown.*] Do you think, that in the event of parties asking for public-house licences and beerhouse licences, if they were compelled to pay something more for those licences than they now do, it would tend to secure a higher class of people to keep them, and who would be more attentive to see that the houses were properly conducted, and drunkenness not permitted?—I think it would; the present system is very unsatisfactory.

5429. Do you find that any of those parties who lose caste by getting drunk, forfeiting their claim to be members of the temperance societies, are again received by the influence of clergymen and others pointing out the error they have committed?—They are. There is no obstacle in the way; on the contrary, they are invited back.

5430. There is no difficulty in the way of the prodigal son returning?—Not at all; every encouragement is given.

Mr. *Thomas Beggs*, called in; and Examined.

5431. YOU have been brought a good deal in contact with the working classes in London?—Not so much in London; I have been brought up among the working classes, having served an apprenticeship to an operative business, and filled the position of foreman, and subsequently of employer.

5432. Are you in any business now?—I am now, and have been for the last 18 months; but for about 10 years my occupation was literary, and during that time I filled one or two official positions, which made it my duty to amass information on all these topics.

5433. Just state what they were?—I was secretary for some time to the National Temperance Society, and afterwards to the Health of Towns Association, under the presidency of the Marquis of Normanby; and in both those capacities more especially was I brought into contact with the working classes, with a view of ascertaining their actual social and domestic condition; since that time I have done so, as the means of procuring trustworthy statistics and facts that I could use in my capacity as a public writer; recently I had less opportunities, because I am now engaged in business.

5434. Have you any opinion that you can state with respect to the habits of the

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people with regard to drunkenness; can you state whether they are more or less drunken than they were, or whether you refer that to any state of our law?—My impression is, that the habits of the people, not only in relation to drinking, but in all other matters, are improving.

5435. Is there any state of our law, with regard to these places where intoxicating liquors are sold, that you think offers particular encouragement to people to drink?—I think, on the whole, the facilities are much too great for procuring drink.

5436. The facilities allowed by law?—Yes.

5437. In what particular do you mean?—I will, with the permission of the Committee, point out some of the evils that exist, with a view to give more distinctness to the remedies that I should propose.

5438. Having in view the state of the law?—Yes; for example, in relation to friendly societies and clubs of every kind, I have had very great opportunities of observing the effect of these clubs upon the condition and circumstances of the working classes; they are, most of them, or the majority of them, such societies as we should all wish to encourage, the friendly societies particularly; and the magnitude of those friendly societies will show that it is a matter of great importance. The friendly societies alone have a capital at this time of 11 millions of money, an annual income of about four and a half millions. There are about 33,000 societies, comprising three millions and a half of members.

5439. *Chairman.*] Are you aware that this inquiry is limited to the system under which public-houses, hotels, beershops, dancing saloons, coffee-houses, and other places of public entertainment are sanctioned?—Then I am afraid the Committee will regard this as rather beyond the limits of their inquiry; I was in hopes that the view of the case that I should have very briefly introduced would have been received.

5440. How do you connect the statement you are about to make with the subject which you are now aware is the only one referred to this Committee?—I think I observed that the public-houses have an important influence on the condition of the people, and I was proceeding to show how those public-houses affect the people. These friendly societies are many of them held at public-houses, the men being attracted there, or having to visit them in order to pay their weekly or monthly subscriptions, and are drawn to these houses when they otherwise would not go. That was the point upon which I wished to speak. I should be happy to be informed whether it is within the limits of your inquiry.

5441. Do you believe that their meeting at these public-houses leads to drunkenness?—Not only to drunkenness, but most of the defalcations and losses that occur in these societies spring from that cause.

5442. What remedy would you apply to that?—The remedy I would apply is simple enough: the Legislature did, a few years ago, finding that these societies had their payments based upon erroneous tables, and sometimes without calculation at all, interfere so far as to require that all such benefit societies should be enrolled after its tables and rules had been duly inspected and certified; and all I ask the Legislature to do, is to provide that they shall not be held at public-houses, and simply to refuse to enrol any friendly society unless it makes provisions that its meetings shall not be held at public-houses.

5443. Can you give us any information as to the extraordinary inducements that are offered to the people to go into these public-houses, and which you think ought not to be allowed by law?—I think that friendly societies are often the inducements. There is one class of friendly societies got up by the publican and two or three persons who attend the house, for the mere purpose of attracting custom to the house, and it is a fact, as well known as any other in Birmingham, that many clubs, clothes clubs and furniture clubs, and a variety of other clubs of that description, are got up by a newly-started beershop-keeper, with the influence probably of a foreman or two of a large factory, and they generally exert a most pernicious influence on the habits of the people who attend the house. There is scarcely a licensed house, either of a licensed victualler or a beerhouse, in Birmingham, but has some one or other of these clubs, perhaps two or three of them.

5444. Would you require that where a man is licensed to keep a public-house, that he should stipulate not to hold any society there, and especially the societies which you say are of such use to the working classes?—I should not proceed that way, certainly, to counteract the evil. I have first pointed out the evil; if

if it was pronounced strictly to be within your limits I could produce abundant evidence from some of the first employers in Birmingham as well as those most intimate with the working classes, to show that these clubs are what I have heard working men say in Birmingham, the curse of Birmingham.

5445. Sir *G. Grey.*] Owing to their meeting at public-houses?—Yes.

5446. What remedy would you apply to this latter class of cases in which no enrolment is necessary?—An exceedingly simple one, by enacting that no debts whatever shall be recovered that were incurred in clubs held in public-houses. I do not want to prevent the working men from uniting together and paying their shilling a week, and by that means getting coals; what I want to prevent is, the landlord and the coal merchant uniting together to induce the working man to attend a public-house, selling him a bad article at a much advanced price, and then if the man does not pay, having the power to recover the amount in the county court.

5447. *Chairman.*] You do not propose to limit the publican in the use he may make of his house in this respect, if he can get societies to come and meet there?—I would not go to work by interfering with the publican, but as I know that those societies could not exist without the county courts, therefore I would give him no legal means of recovering debts contracted at a public-house.

5448. Have you information with respect to the manner in which houses are licensed, that you think are injurious to the working classes?—I have a very strong opinion that the present mode of licensing by magistrates is a very injurious one.

5449. State why?—Because I find that a great number of magistrates are either directly or indirectly connected with distilleries or breweries.

5450. Does that give them an extraordinary interest, being an influential class, in the sale of spirits?—It gives them an extraordinary interest in public-houses, and must, as long as human nature remains what human nature is, give them a disposition rather to wink at things which in an independent position they would not tolerate. If examples are wanted, I will give them: some two years ago, for a special purpose, I went to Birmingham, and obtained the assistance of one of the detective force connected with the police establishment, to aid me in some inquiries respecting public-houses, by the kindness of the superintendent, and in one of the large ginshops there I found, on entering, as much preparation at any rate for disorder as at any other place. I found a man with his face painted black, and a banjo, and other preparations for the evening's amusement. The detective officer stated that as much disorder arose from this house as from any other house in Birmingham. This house was kept by a magistrate and an alderman. I think it is a very strange anomaly that a person should, as a magistrate, be placed in a position to decide in cases of drunkenness, riot, or disorder, and who might be called upon to punish the offenders, some of which cases might happen at his own house.

5451. Do you think that prejudicial to the working classes?—I think it is prejudicial to the working classes, and a violation of public decency.

5452. You are led to connect the encouragement of drunkenness with the authorities of the town when that is the case?—Yes, I have had considerable experience of Nottingham, and I can give instances, were it not invidious to mention names, of a similar kind.

5453. Sir *G. Grey.*] Is not the instance you have just given, an evil that has arisen from the house being kept by a magistrate, and not a case illustrative of the evils of the licensing system?—I think it is both; that case is mentioned, as it occurred to me just at the moment, but I think it would not be difficult to collect a great amount of evidence, showing that the large brewers have put persons into houses, partially finding them capital. I know an instance now where a man is going in with borrowed capital of the brewer; that brewer has an intimate connexion, a magistrate. I only say, that in all cases where such things exist, where men's interests are put in opposition to their moral duties, abuses do creep in, and they creep in in connexion with public-houses, as well as all other things.

5454. What remedy would you apply to that evil?—By taking the power of licensing public-houses out of the hands of the magistrates entirely, and giving it to an officer of the Crown, or adopting other similar means. I have not at all considered that point, but there are other things licensed; licences are given by

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Government in other cases, why not adopt the same machinery as is adopted in such cases?

5455. *Chairman.*] You do not think the present system protects the people from the evil of drunkenness?—On the contrary, I think it has a great tendency to increase the facilities for drinking.

5456. Sir *G. Grey.*] Are you aware whether in these cases a discretion is vested anywhere to refuse a licence, or whether the licence is obtained by payment of a sum of money?—I believe that the magistrates have a discretion; I am not very fully acquainted with the details of the procedure.

5457. Do you contemplate a discretion being vested anywhere as to granting or refusing the licence, or that the power to obtain it should be merely contingent on the payment of a certain sum?—I quite understand the question now; I should have it merely dependent on the payment of a sum of money, and demanding the other guarantees which are required in all similar cases by Government.

5458. Guarantees for good conduct, do you mean?—Yes.

5459. Would you place the public-houses on the same footing as the beerhouses at present are?—I see no objection at all to that course.

5460. Mr. *W. Brown.*] You would make them pay for their licence, and take respectable bondsmen, who would forfeit their bonds in the case of misconduct in the house?—Yes.

5461. Sir *G. Grey.*] You do not think that that would tend to the increase of intemperance?—It would be difficult for me to conceive of any system that would tend to worse conduct in public-houses and beershops than now prevails.

5462. Mr. *K. Seymer.*] You would put the public-houses on the same footing as beerhouses, and class them together as both very bad?—Yes. I feel assured of this; and the reason why I would suggest this mode of licensing is, that the control would be taken out of the hands of the magistrates; and the reason I wish to take it out of their hands is, because I do not believe they can exercise the power properly, having large interests at stake. I think it necessary to take the power of licensing public-houses out of the hands of men who have interest in maintaining public-houses, increasing their number, and selling large quantities of intoxicating drink.

5463. *Chairman.*] If there is a power of licensing, you would place it in some competent, disinterested authority?—Some competent authority; and I am quite sure that no Government, whether local or the central Government of the country, would continue to tolerate a system that entails upon us one half of the entire expense of our police establishment and our criminal courts.

5464. Sir *G. Grey.*] Has the experience which you have stated you have had among the working classes been confined chiefly to large towns, or has it been extended to the agricultural population?—Principally to large towns; principally to the large manufacturing districts.

5465. Then I presume the results of the licensing system which you have referred to have taken place in large towns?—Yes.

5466. Mr. *Gregson.*] Under the system you propose, you would grant licences without limit?—Yes, I see no reason for limiting them; proper limitations would very soon follow the amended system.

5467. *Chairman.*] You do not rely at all on the present system of licensing for the improvement of the working classes; you trust to other causes, such as education and healthy recreation?—Yes.

5468. Sir *G. Grey.*] You were secretary to a temperance association?—Yes; the National Temperance Society, for a length of time.

5469. Do you attribute the improved habits of the people, as to temperance, to the influence of that and similar societies?—To that and to concurrent causes. I should say, in the first place, that I regard temperance societies as a result of the general improvement. They become in turn influential causes of improvement; they have accelerated the work of education, and reforms of a social kind, but they are themselves the result of the improving tastes and habits which began to be noticed at the time temperance societies sprang up. I know, at the time when I was an apprentice, the habits of the people were much more gross. I regard, also, the concerts and casinos, and things of this sort, which I apprehend are strictly within the limits of this inquiry, evil as they are, are proofs of better tastes springing up among the working classes. When I was a boy, and went into a workshop first, it was common for all classes of workmen in Leeds to go into public-

public-houses for the mere purpose of smoking and drinking. At the establishment there of the first mechanics' institution, I know of no amusement, no recreation, that a man could resort to, except it was connected with a public-house; skittles, or quoits, which is a favourite game in that neighbourhood.

5470. Mr. *W. Brown.*] Those temperance societies had a very good effect: if a man were to say to another, "Will you come and take a glass of wine with me;" he could say, "I cannot, I have taken the pledge." It prevents men who are disposed to be temperate from getting into difficulties?—I regard them as most valuable institutions, and more valuable because they are supported and worked by the operative classes themselves; they take a large share in their management, and they contribute largely to their funds, and they are thus educational.

5471. Mr. *Gregson.*] You call your society "The National"?—Yes.

5472. What is the number of its members?—There are no members. That society has the peculiarity of being supported by a few wealthy individuals, mainly connected with the Society of Friends, and it confines itself to the diffusion of information by tracts, and employing lecturers. It is called "The National" to distinguish it from several others, because it takes up the general work.

5473. Which society are you connected with?—I am not connected with any temperance society at the present time, although I am an abstainer.

5474. Sir *G. Grey.*] You have described what were the habits of the working classes in Leeds when you were an apprentice; what are their habits now; how is the time now spent?—The time is variously spent. I have visited Leeds occasionally since my leaving it; and from knowing it so intimately, and as I take it rather as a type of other large towns, it may be interesting to give a few particulars. There are now two or three, I believe three societies, the Mechanics' Institution, a literary institution, and another institution, with the objects of which I am not well acquainted, but I believe having kindred objects with the literary and scientific institutions. Then there have sprung up a great number of temperance societies; almost every little neighbourhood having its separate temperance society with its committee, whose business it is to distribute tracts and hold weekly meetings, in order to give lectures on the subject of temperance; and the last time I was in Leeds there were 28 of these societies holding weekly meetings. As many as I could crowd into three or four evenings' stay in Leeds I visited, and the average attendance seemed to be from 300 to 400 working men and women, and sometimes boys. Then there are three or four casinos in Leeds, which I visited, accompanied by one of the police officers of the town. These attract another class of persons, mostly the factory operatives. I must say, that although I have always contended for bringing cheap recreations and amusements to the people, that I regard these casinos and concerts as very great evils. There are many of them very badly conducted, inasmuch as very often songs are sung of an obscene and indecent character. In the leading casino in Leeds, on the night I visited it, there were probably about 500 persons present, mostly young men and women from the factories. I can give in one moment a description of one particular thing, as a sample of what is produced to gratify the tastes of the attendants. There was a boy and girl, certainly not more than 13 and 14 years of age, representing some scene of "The Henpecked Husband," and the allusions were of the filthiest description. I should not care to repeat to any audience what those were, and those filthy allusions seemed to be understood by the majority of the boys and girls present. I cannot but regard it as a very great evil where images of vice are so continually presented to a class which unfortunately have so few opportunities of listening to anything better. I have visited the leading casinos of Manchester and Bolton; some of them are better conducted than others; some of them have rather a larger proportion of young persons than others; but in most of them songs which, I am sorry to say, used to be popular when I was a boy, and of a very indecent character, are quite common; in others there is an absence of such.

5475. *Chairman.*] Were the same kind of people attending both?—Yes.

5476. Sir *G. Grey.*] What is the price of admission?—The price of admission is generally about 2*d.* When a person presents himself at the door he receives a little check, a piece of lead or a copper token, very much like a penny piece; then when he gets in he can exchange his check for beer, or any other thing that is sold there. At some of these casinos they sell coffee and tea and ginger beer, and other things of this kind, besides the beer; and in some the sale is confined almost entirely to beer. Then I found out from the police, that especially

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is the case in Manchester, that the procuresses and older thieves attend these casinos to pick up recruits. That is just what one would suppose, they are places essentially evil. I should say, at the same time, that I had also opportunities of visiting these places in London. I have seen some few of them, and they seem to me, with a greater refinement, to present all the evil of the others. The people attending them in London seemed better dressed, and the music is of a higher character.

5477. Are there any other places of amusement in any of these large towns to which you have referred, open for the resort of persons of the same class at a low price, free from the evils you have mentioned?—I am sorry to say I know of very few cases; some of the literary institutions have encouraged concerts; but the cost of concerts has very much deterred them, while religious scruples have done so on the part of others. For example, an attempt was made some three years ago to give the working classes of Birmingham, in the large town-hall, music of a first-rate character, but that experiment was very seriously affected; it had not fair play, because the greater number of the religious people took an objection to anything but sacred music being produced, or some such objection as that. And this, as I conceive, I state the opinion with all deference, very narrow view of the case, compromises the success of such experiments.

5478. Was it intended that these concerts should be opened to the working classes at a low price?—At 6*d.* and 3*d.* dividing the town-hall into two portions, the gallery, 6*d.*, and the body of the hall, 3*d.* The experiment commenced weekly every Monday evening.

5479. *Chairman.*] If places of that kind were opened, free from the immorality which you have stated you have observed in casinos, do you think the working classes would avail themselves of the opportunity thus afforded for their rational and innocent amusement?—I believe that there are a great many who would; it is impossible to say what proportion. I still think, if both places were opened, that the larger proportion of the working classes would prefer the grosser amusement at present. But I believe there is a proportion, and a growing proportion, that would prefer the better kind of amusement if it was offered and given to them.

5480. Is the theatre much frequented in these places?—The theatre is not, so far as I have an opportunity of judging, so much frequented as it was when I was a boy.

5481. Is it not attractive, or do the prices of admission operate as a bar?—I think both causes operate, and probably there is less talent in the provincial theatres than there was at one time, and the price which necessarily must be high to have anything like a theatrical performance of a good character, prevents their being so well attended. I can speak a little on the subject, because I know that, when I was young, there were a great many clubs in Leeds that were called Thespian clubs, held at public-houses, in which young men would get up a play for their own amusement; and then, after a number of rehearsals, make it public, and they would invite their friends to see them go through it. My impression is, (but then it appears to be more within the sphere of voluntary exertion, and must rest on that rather than upon anything the Legislature can do), that cheap and rational amusement for the working classes is one of the best means to counteract the prevailing tendency to intemperance.

5482. Then, if the Government or Legislature interfere at all in these matters, it ought to be to encourage innocent recreations?—Yes; and as far as possible restricting the formation or opening of these saloons and concerts at public-houses.

5483. Do you express that as your opinion, that the law ought to interfere to put down these saloons or concerts?—No, not strictly; I am not in favour of coercive measures in any sense; I do not think that they could, very well, be put down. In fact, I should question whether it would be wise to attempt to put them down by law; but it has occurred to me, and I remember, in a conversation with some Members of Parliament some two or three years ago, suggesting to them the course I thought might be adopted, and that was, simply, that the Legislature should make provision that no licence for a singing or dancing saloon should be granted to a person selling drink, or who had a licence for the sale of drink. The objection started to that immediately was, that some one would get a licence to a house, and some of his friends would get a licence for a singing saloon next door, and thus the regulation would be evaded. I believe there is something in that; but still there is always to be considered, that the more difficult you make

make the path to evil, the better it is as a precaution. I am quite of opinion that the Legislature might so far interfere as to refuse to grant a licence to any house having a licence for the sale of drink for a singing or dancing saloon.

5484. Mr. *K. Seymer.*] Does not your evidence tend to this: that the mere affording amusement to the people by singing and dancing hardly pays without the sale of refreshments?—That is very likely the case, but I do not see that we ought to be deterred from doing good to the people by a consideration of that kind.

5485. There is nothing to prevent houses being opened at present for this sort of entertainment in the provinces; they require no licence?—I believe they do; I do not speak confidently on that point; but I think they require a licence to open any regular singing or dancing saloon.

5486. *Chairman.*] Is there much progress made in education among this class in the town that you are familiar with?—There is progress; it is not so rapid and satisfactory as one could wish. I could give my reasons for that opinion; and I think, probably, that the difference of opinion that prevails as to the best mode of bringing about a national system of education, in some way retards the measures that might be brought out to aid the great end of educating the people.

5487. The fact is, there is still a great number of the lower classes in large towns who have no education?—That has to be taken with very considerable qualifications; the tests that are usually employed are of a very arbitrary kind. The reading and writing test is very unsatisfactory; and I do not know what other test could be employed, unless it is from information obtained by those who have mingled largely with the working classes. I know a great many working men, who are educated men in one sense, but who would be ashamed, from the badness of their writing, to write their own names.

5488. Sir *G. Grey.*] But whose minds were educated?—Yes; an engineer who could go into a workshop and explain all the details of a steam-engine, and its applicability to various purposes, cannot be called an uneducated man; and yet it would be found in some cases such man able to do that, would not be able to write his name, nor even to spell it.

5489. *Chairman.*] Do you know anything of the state of these people attending these public exhibitions or songs that you have described as so indecent; do you believe those young people have had any moral or religious education?—I believe the large majority of them have had none; but I am sorry to say, that in a great many of those places I have abundant evidence to show that a large number of them are attendant at Sabbath-schools.

5490. Sir *G. Grey.*] When you say you are sorry to say that, do you mean that you are sorry that their attendance on the Sunday-school does not produce a better influence on them?—Yes.

5491. *Chairman.*] If they go to the Sunday-schools they read the Scriptures, and learn to read?—Yes; but I doubt whether the two or three hours' instruction on the Sabbath day, when the mind is worn out with the week's toil, is very likely to obliterate the effect of the vicious scenes and vicious images that are conveyed to them on the Saturday night.

5492. Sir *G. Grey.*] On the whole, I understand you to say, so far as your experience extends, the moral habits of the people are improving?—I think so, decidedly.

Lunæ, 27° *die Junii*, 1853.

MEMBERS PRESENT.

Mr. Villiers.	Mr. W. Brown.
Sir George Grey.	Mr. Sotheron.
Sir J. Pakington.	Mr. Gregson.

THE RIGHT HON. C. P. VILLIERS, IN THE CHAIR.

Robert Hanbury, Esq., called in; and Examined.

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5493. *Chairman.*] I BELIEVE you are the head of the firm of Truman, Hanbury, Buxton & Co., of Spitalfields?—I am.

5494. You are connected with the great brewing establishment conducted under that firm?—Yes.

5495. Have you had occasion to hear the evidence that was given here, with respect to the house at Greenwich, that was for many years without a licence, and subsequently obtained one?—Yes, I have.

5496. Are you acquainted with that house?—Yes.

5497. Are you aware of the fact, that a person named Edwards had that house as a beerhouse for a number of years, and was unable to obtain a licence, and then sold that house?—Yes.

5498. Is that correct?—That is correct; how many years he had it I do not know, but he had a very small interest in the house, a very short term.

5499. He had an interest in the house?—Yes.

5500. Do you know who became the purchaser of the interest he had?—A person of the name of Bradshaw, who was a large cowkeeper in the neighbourhood, and very well known as a respectable and responsible man.

5501. Do you happen to know the year when Mr. Bradshaw became possessed of these premises?—I think in the year 1840, or 1841.

5502. Did Mr. Bradshaw apply for a licence for that house?—Mr. Bradshaw applied for a licence.

5503. And obtained it?—And obtained it.

5504. Has that Mr Bradshaw any connexion with your brewing establishment?—Not the least.

5505. Has he had since?—When he got a licence he became our customer.

5506. He has no other connexion than the natural one between the publican and the brewer who supplies him with beer?—None whatever.

5507. You have not advanced him money to purchase the house, or to conduct his business?—In the course of his being there we certainly did advance him money, because he wished to make an alteration, and lay out money on the premises.

5508. Was this after he obtained the licence?—After he obtained the licence.

5509. Did he obtain from you a loan, as publicans are in the habit of doing from brewers?—Yes.

5510. I believe the custom is to deposit their deeds as an equitable mortgage?—That is almost always the custom.

5511. You take no other security?—No; sometimes we take mere notes of hand, and no other security than that.

5512. Is there any stipulation then, that the brewer so advancing the money, shall supply the beer?—Not the least; it is the natural course of things, when we oblige our customers by lending them money, that they should deal with us.

5513. The understanding is not expressed, but implied?—Yes.

5514. Sir *J. Pakington.*] You say it is the natural course of things, when you lend any money to any customers, that they shall deal with you; then you assume they are your customers, in the first instance, before you lend them money; you lend money to publicans who are already customers?—When the customer of another

another brewer comes to us, and tells us he is under any obligation to another brewer, we do not supply him until he pays off the obligation to the other brewer.

5515. *Chairman.*] Do you happen to know the circumstances of the purchase by Mr. Bradshaw of this particular house?—I know he bought a very long term of it at a low rent.

5516. Do you know whether he employed a broker for the purpose of purchasing it?—Publicans always employ brokers; the transfer is always done through a broker.

5517. Sir *G. Grey.*] Do you know that the licence was obtained after the previous occupant of the house had in vain attempted to obtain one for a considerable time?—I think Mr. Bradshaw, being so highly a respectable man, got the licence through his own influence; I used no influence.

5518. *Chairman.*] Do you know any reason why the person who occupied the house previously applied for so many years successively, and was unable to obtain a licence?—I know no other reason than that he had one or two beershops in his possession at the time; he kept some beerhouses somewhere in the neighbourhood.

5519. This was a beerhouse?—Yes; and I think he had one or two more besides.

5520. Would that be a reason to the magistrates to refuse a particular house, or a particular beershop-keeper a licence, because he had other houses which would be occupied as beerhouses?—I do not think a magistrate would grant a publican two licences, if he knew it.

5521. There was nothing against this man's character, that you are aware of?—I know of nothing.

5522. You have seen the evidence that he has given?—Yes, I have.

5523. Are there any inaccuracies in his statement?—The first inaccuracy is, that it became the property of a brewer at the east of London, and as we have served the house ever since, I naturally think it must refer to us. "It became the property of a brewer at the east of London, and it was licensed on the very first application, to a stranger whom no one about the place knew." In the first place, it did not become the property of a brewer in the east of London at that time; this was in 1840 or 1841. Instead of being licensed "to a stranger whom no one about the place knew," it was licensed to a man very well known in the neighbourhood of Greenwich, who had been cowkeeper, and a responsible man of property.

5524. Do we understand he was not licensed till a year after he got it?—I believe Mr. Bradshaw got it the first year he applied for it.

5525. That is what is stated, I think, by the witness?—Yes; but it is stated, a "stranger whom no one knew."

5526. He was a respectable man well known?—He was well known as a respectable man.

5527. He has made a further statement as to the improved value given to the house immediately upon receiving a licence; do you consider that the statement is incorrect?—I think so. Edwards sold his short interest to Bradshaw without a licence, five years and a quarter, for 400 *l.*

5528. And upon getting the licence, the witness states that the value had very much increased, to 1,500 *l.*?—Very likely; but Bradshaw held it for five years before he sold it again; before he let it, he kept it five years, and made it a very good house, with a large trade.

5529. The question was between the value before and after receiving the licence. Mr. Bradshaw received the licence the first year after he got the house, and the question is, whether the witness has stated accurately, that the difference between the value before and after, would be the difference between what he sold it for and 1,500 *l.*?—He could not tell the value of it until it was sold; Mr. Bradshaw had no idea of selling the house, for he kept it as a publican for five years.

5530. Can you state what would be the difference of value in consequence of having got a licence?—I think getting a licence without a trade to it, would make it worth 800 *l.* instead of 400 *l.*

5531. That is your estimate of the value of the licence to the house?—The

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increased value of the licence depends on so many circumstances, the particular locality of the house, or how the house has been built.

5532. Sir *G. Grey.*] I understood you to say, that what Edwards sold was merely the remainder of the term of five years?—Five years, without the licence.

5533. Then at the end of the five years the value of it would, of course, not be the value of the original term, but some value for a new term, if a new tenant obtained a new lease?—It would be worth nothing unless he obtained a new lease.

5534. *Chairman.*] The very fact of getting a licence so far improves the value of the premises, that it might be calculated at 100 per cent.?—Very likely. Mr. Bradshaw bought a very long term of it, instead of five years; he bought, I believe, 60 or 70 years.

5535. That would have given a value beyond the value of the licence?—Beyond the value of the licence.

5536. Sir *J. Pakington.*] When Mr. Bradshaw gave Mr. Edwards 400 *l.*, he only bought a short term?—Only a short term.

5537. When was it that Bradshaw bought the longer term of 60 or 70 years?—I do not know; I should think just before he went into the house.

5538. I think I understood you to say, that at the end of five years from Mr. Bradshaw's purchase, Mr. Bradshaw sold the house again?—He did, in 1845.

5539. What did Mr. Bradshaw then get for it?—Mr. Bradshaw then got about 2,000 *l.*

5540. He sold a long term?—Yes.

5541. Should you say that 2,000 *l.* for a long term would be a much higher rate of value than the 400 *l.* which he gave for a short term?—No; I think the 400 *l.* for the short term was the dearest of the two.

5542. *Chairman.*] I understand you that 400 *l.* was given before the house was licensed?—But Mr. Bradshaw gave that large sum for the house that he might succeed in getting a licence.

5543. Why do you think that Mr. Bradshaw expected to get a licence?—Because he was so well known in the neighbourhood as a respectable man; he would think as the house was well situated, that he might probably get a licence for it.

5544. There was nothing against Edwards' character?—Nothing. I never had any dealings with him; I cannot answer that question.

5545. He occupied the house some years before?—I know nothing of Mr. Edwards except by name.

5546. Sir *J. Pakington.*] How many other beerhouses did Edwards keep at the same time?—One or two, I believe, but I am not certain as to that fact.

5547. Do you think the magistrates would hold that to be a sufficient reason for not giving a licence?—I think it is very likely; and I know they very much object to giving two licences to one publican.

5548. *Chairman.*] They do not object to beerhouses being in the neighbourhood of a public-house, but they object to one man having so many houses?—They cannot help it; beershops may surround a public-house; they have no authority to prevent that.

5549. They would not refuse a public-house licence to a publican, merely because of there being so many beerhouses in the neighbourhood?—I think not.

5550. Could you inform the Committee of anything with respect to the usual contract between the publican and the brewer; is it confined to the same sort of natural relation which should exist between the manufacturer of the article and the retailer of it, or is there any closer connexion, such as a publican being in the house of the brewer, or being the agent or servant of the brewer?—The course which we adopt is exactly as you say it is, a common interest with the manufacturer as with the person whom he supplies.

5551. But the brewers do not take any security that the publican shall retail their particular beer?—That is an obligation; if we lend money to a publican, we naturally expect that that publican will deal with us for what we brew; but we do not restrict our publicans from having other malt liquors; they have Burton ale, Yarmouth ale, Dublin stout, Scotch ale, and various ales; we do not interfere with that at all.

5552. Those are beers which you do not brew?—Yes; we brew ale.

5553. If money had been advanced by the brewer, and it was found that the publican did not take the beer from that brewer, would not that money be called in?

in?—It would be called in, and the publican would apply to some other brewer, who would pay us off.

5554. What is the fact with respect to publican and brewer in this town, as to how many public-houses can be considered free out of the whole number, and how many are bound to the brewers, either to the houses belonging to the brewers or to their being their dealers?—I must confine my answers entirely to the house in which I am concerned. I have not any objection to say, that out of between 700 or 800 publicans whom we supply, half of them are perfectly free, and do not owe us one farthing.

5555. Would you have any objection to state what is the number of houses which you supply?—I think it now is 701 public-houses and 34 beershops.

5556. That is in London?—In London.

5557. Have you any return of your connexion with the country?—Yes, I have.

5558. Will you state them?—The accounts in the country, as standing on our ledger, are 469; but I should say that our customers are much more than 1,000; that is, we supply wholesale agents in various places, and they supply the publicans.

5559. There is not that connexion between your house and the public-houses in the country that there is in London?—They are all perfectly free.

5560. I presume, from what you have stated of the connexion between your firm and the public-houses, that the trade is just like any other trade, and that there is no advantage derived by the brewer from the system of granting licences to public-houses?—Excepting the security that we now derive from the exclusiveness of the licence. If the trade was to be thrown open, of course the property which we have invested in public-houses, and the loans we have made upon them, would be in a great measure sacrificed.

5561. Then it has reference to those houses where you have invested property and lent money?—If we advanced a publican 1,000 *l.* or 500 *l.*, or whatever the sum may be, if the trade were thrown open we should consider that not to be secure.

5562. That is the result of the existing state of things?—Exactly so.

5563. But naturally the brewer has no interest in the certificate that the publican gets from the magistrate, the interest of the brewer being merely the supply of beer to the publican?—Exactly so.

5564. Sir *G. Grey*.] But if you have advanced money to the publican, and there is a withdrawal of the licence from the house, would that materially affect the security which you have upon that house?—It would destroy it.

5565. Then is it not the strong interest of the brewers to prevent licences being withdrawn by magistrates?—No doubt of it.

5566. What do they do in the event of the keeper of one of those houses having been several times convicted of offences against the law, which would lead to the probable inference that his licence would not be renewed?—I believe that there has been, considering the number of licensed victuallers in London, very few convictions. I think that the character of the licensed victuallers of London has been quite misunderstood. They are a very different race of men to what they were 20 years ago; I consider that the publicans of London are as respectable as any set of tradesmen in London, and certainly many have as much property.

5567. Are the great brewers who make these advances of money, interested in the character of the publican?—Very much so; we would not supply a house unless we first inquired into the character of the person.

5568. Sir *J. Pakington*.] Out of the 700 houses which you supply, do any considerable proportion actually belong to your firm?—We have 120.

5569. Actually your property?—Either by freehold or leasehold. If they are leasehold, we have let them on lease without any clause whatever to restrict them to deal with us.

5570. Are there any public-houses, or are all of them beerhouses?—They are all public-houses.

5571. *Chairman*.] I think the question that was put to you just now was, whether there is not an interest in the brewer against the licence being withdrawn; but is not the value of his property, or at least the profit which he gets, just as much affected, whether the conduct of the house has been good or bad?—No doubt,

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doubt, if we had a large loan upon a house that was conducted badly, to have that licence taken away would put our property in jeopardy.

5572. The house that may be most profitable may, perhaps, have the customers of the very lowest kind?—That, I think, is very rarely the case; the respectability of the house gives the value of the property in that house.

5573. Not the amount of beer drawn?—No, I have known houses of immense draw in very low neighbourhoods, which it is very difficult to get rid of.

5574. You have stated that 120 of these houses belong to your firm; are the persons who occupy them regarded by you as your agents, or servants, or tenants at will?—We have only 27 tenants at will in all London.

5575. By that you mean persons who could be removed at once?—Yes.

5576. What is the peculiar relation of the others in your own houses?—We let them on lease, and with no clause whatever to bind them to deal with us.

5577. Sir *G. Grey.*] Are they bound to keep the house as a public-house, or may they turn it to any other use?—Most of the houses, unless they are freeholds, we have taken on lease, and are bound to keep them as public-houses.

5578. Sir *J. Pakington.*] How bound?—By clauses in the original lease.

5579. You mean bound by your own interest?—Yes, and bound to endeavour to keep them as public-houses.

5580. *Chairman.*] Now these houses that belong to you are bound or do take the beer from your establishment?—They do, generally; we have houses of our own that deal with other brewers.

5581. And the price is fixed, or at least they know the price that they have to pay for beer before they enter the houses?—Yes, we have only one price.

5582. Now is there any consideration on the part of the brewer as to the circumstances of the publican they put in, and whether he can carry on his business so as to live and pay for the beer and pay for his house?—None whatever; they are all supplied alike.

5583. There has been a statement made here that there are some publicans who take premises and take the beer from the brewer on such terms that they are actually obliged to adulterate the beer in order to get a profit, so as to be enabled to live and continue in the house?—I believe that to be utterly incorrect.

5584. You do not believe that publicans are ever on those terms with the brewer who supplies them?—No, certainly not.

5585. Do you believe there is any difference in the quality of the beer which is sold in the different public-houses in London?—I may just remark, to show the state of the trade, that the publican by attention to his business, and selling a very good article, gets a large trade to his house; that house is watched, and if a quantity of beer is seen to go into the house, several beershops are immediately established around it; they sell beer at a very low rate to get the custom, and the publican then, in his own defence, may be tempted in some instances to dilute his beer; but I should think they are rare instances.

5586. Do the brewers show any watchfulness in that respect with regard to those who hold under them; are they anxious that they should not dilute or adulterate the beer?—Most anxious.

5587. Are they in the habit of ascertaining the fact in order that the public should be supplied with the best beer?—They are very anxious indeed; I have refused to supply publicans who I knew would adulterate it.

5588. Are they ever instrumental in laying informations against their own publicans for diluting beer?—I do not think that.

5589. You are aware that it is against the tenor of their licence?—Quite so.

5590. Mr. *Gregson.*] Do you send agents to taste the beer at any of these public-houses?—Yes; we have agents about all day long.

5591. *Chairman.*] It has been stated here that the beerhouses sell better beer, or that it is more pure, than the public-houses, as the only means of attracting custom in competition with the public-houses?—I should think that impossible.

5592. You are in the habit of supplying beer both to beerhouses and to public-houses?—Yes.

5593. And you have no reason to suppose, therefore, that there could be any difference between those houses that you supply?—We only supply beerhouses that do a large trade; it would not be worth our while to supply the small beerhouses.

5594. And

5594. And they always sell the same quality as the public-houses which you supply?—I have no doubt that they do; but the character of the beer very much depends on a quick draught. I think, therefore, that public-houses which have the means of having a quick draught would sell much better beer than beershops which draw so small a quantity.

5595. Sir *G. Grey.*] Do you advance money to the beershop-keepers as well as to the publicans?—No.

5596. Is that because the security is not reckoned so good?—I consider that there is not security sufficient.

5597. Is there a desire on the part of the beerhouse-keepers to obtain licences as publicans?—A very strong desire.

5598. Do they apply to the brewers who are supposed to exert an interest with the magistrates in obtaining licences?—My invariable answer is, that I have no interest; that I cannot help them.

5599. *Chairman.*] That, I suppose, is not the case invariably with the brewers?—I can only answer for myself.

5600. Do the brewers to whom any of these beerhouses belong, put in people to hold them?—I should think that a great many of the beerhouses belong to the smaller brewers, not to the larger ones.

5601. And their relation to the brewers is pretty much what the publican's is to the great brewery establishments?—Yes, if they do not belong to the brewer, but not if they are brewery property.

5602. Sir *G. Grey.*] Is there a frequent change of tenants in public-houses?—Yes, they are rather frequent; and very often from one brewer to another, as I mentioned before.

5603. Is there a frequent change in the occupancy of the houses?—Very often. We have had them twenty years in the same house; but gentlemen's servants, and women servants, go into public-houses, and they find it is not a trade they like, then they leave it; their health suffers, and there are various other causes. I think there are more transfers in it than in any other business.

5604. Is it the same with regard to beerhouses?—I should think that the changes of beerhouses are much more frequent.

5605. *Chairman.*] Did you say that the brewers very often transfer their houses from one to another?—Yes.

5606. And then do the occupants remain?—Yes.

5607. They transfer the tenancy as well?—Yes, or our customers take houses belonging to other brewers' trades, and deal with us.

5608. You stated just now that you thought the publicans had very much improved of late years, in point of character, and the mode in which they conduct their houses?—I think, within the last twenty years, there is no race of men who have come under my observation, that are so much improved as the licensed victuallers of the metropolis.

5609. Do you think that the competition arising out of the change that was made in the Beer-law, has had something to do with the improvement of the publicans?—I cannot say that.

5610. There has been a greater competition?—There has been a greater competition; but I think that the licensed victuallers of London have improved very much indeed. I suppose they have improved with the improving intelligence and education of the country, as other persons have.

5611. But it has been within the last 20 years that the beer trade has been, comparatively speaking, thrown open?—Yes; I consider that there are very few respectable publicans who would serve a man that was drunk. I think that they have a character to keep in society, and therefore they would not do such a thing.

5612. Sir *G. Grey.*] What effect has that had on the consumption of beer?—I do not think that the consumption of beer in London has very much increased.

5613. I presume it has increased absolutely, but not in proportion to the population?—Certainly not; I think the number of quarters of malt that pays duty is not more than it was many years ago.

5614. Do you think that is owing to the improved habits on the part of the people, or to the consumption of spirits being increased?—I do not think that the consumption of spirits has increased; I think it is owing to the improved habits of the people.

5615. Is it not within these last 20 years that the public-houses have been subject to the supervision and increased vigilance of the police?—I think it is.

5616. Might not that have something to do with it?—That might have something to do with it.

5617. Is there any change that you would suggest with respect to the regulation of these houses?—I cannot conceive from my own observation and experience, that there can be any better system than the present. I believe, almost invariably speaking, that the magistrates are men of high character and respectability, and they take great pains to ascertain whether a public-house is necessary, and whether the locality requires it; and they very often refuse to grant a licence year after year, until there are a sufficient number of houses in a neighbourhood to authorise them to do it.

5618. *Chairman.*] There is a considerable opposition offered to the applications for new licences, is there not, at the time of licensing?—No doubt of it; no doubt, if a publican is doing a large trade, he does not like another public-house close by him to be built and licensed.

5619. Now, do the brewers interfere at all in that respect; supposing there is a house doing a good business, and another house is started in its neighbourhood, and an application is made for a licence, does the brewer appoint anybody to oppose that licence at the licensing day?—Certainly not; no doubt the number of publicans round would oppose it; if it interfered with their trade, they would naturally oppose it.

5620. But it would have the effect of weakening the security of re-payments if the brewer had advanced money to a particular house, if another was started in its neighbourhood?—We must take the chance of that; we could not think of interfering with the magistrates.

5621. We have heard that the Licensed Victuallers' Association generally appoint somebody to oppose the applications for new licences, but the brewers have nothing to do with that kind of association?—They have nothing to do with it whatever.

5622. Sir *G. Grey.*] Are you perfectly satisfied with the present system of granting licences?—I am perfectly satisfied, myself, that nothing can be done better for the public.

5623. With regard to beerhouses, have you any suggestions to make?—I think that the system of beerhouses has failed in its object. It has not supplied the public with better beer than they used to have; a better article.

5624. Is that because they get their beer from the smaller brewers?—They get their beer from the smaller brewers, and they generally draw so little, that I cannot conceive it to be of so good a quality as where it is drawn in larger quantities.

5625. There is no reason why the beerseller should draw less than the publican; he may have a rapid draught, although he may have a peculiar kind of custom?—They are so numerous.

5626. They may have but a small quantity at a time, may they not?—They may. There are, I believe, 150 brewers in London, and they can make their choice; there is no monopoly in that respect.

5627. What is it that makes the beer better, if there is a rapid draught?—I think that porter would always be fresher by being drawn quick.

5628. Mr. *W. Brown.*] Does it always meet the taste of the customer, that the beer or the porter should be quite fresh?—They will send it back to us directly if it is flat.

5629. Sir *G. Grey.*] Your supply to these public-houses consists almost exclusively of porter, does it not?—We brew a great quantity of ale; we are the largest ale brewers almost in the kingdom, except perhaps Bass, who may sell more; but in London we are certainly by far the greatest ale brewers.

5630. Sir *J. Pakington.*] Do you supply these London public-houses with ale or porter?—With porter, and very frequently with ale.

5631. But the ale in much smaller proportions than the porter?—Yes.

5632. When you speak of beer, beer, properly speaking, is scarcely known in these public-houses?—Yes.

5633. There is more business in porter?—Porter and ale.

5634. *Chairman.*] Is it from any ascertained fact or information, that you can rely upon, that you state that the beer in the beerhouses is inferior to that in the public-houses?—Yes; there is a general complaint that the beer is not good in beerhouses.

5635. Sir *J. Pakington.*] What article is it you sell for the large country business which you speak of; is it beer, porter, or ale?—Porter, or, rather, stout; it is a very superior strong article.

5636. Sir *G. Grey.*] Is the consumption in the beerhouses chiefly porter?—I should think quite as much ale as porter.

5637. Both; either porter or ale?—Both; but I should think a great deal of ale; cheap ales.

5638. *Chairman.*] May I ask if you interfere at all as to the accommodation that is afforded in houses that belong to yourself, or that you are connected with, by imposing a stipulation that they shall not be what are called gin palaces, but that they shall be public-houses, as they were intended formerly to give accommodation to persons with a taproom and coffee-room?—I would not build a house myself, if I could help it, without having a taproom, and every accommodation of that sort.

5639. You have no interest at all in this sort of new public-houses that have been raised in London of late years?—None whatever.

5640. Are you made cognizant of any objection to them; do you think it leads to a greater consumption of spirits, or that it leads to drunkenness more than the other?—I should think those large gin palaces may do so; but they are generally in open thoroughfares, where there is great publicity given to them; people are not permitted to sit down and get drunk in the house.

5641. But these are not houses which generally belong to brewers?—No, I should think not.

5642. Mr. *W. Brown.*] Are you of opinion that it is more demoralising to the people to go into those gin palaces, and take a glass of gin, and go out again, than it would be if there were rooms of accommodation, where characters of that kind meet together on some occasions, concocting a great deal of mischief, and might be induced to stay in consequence of the society?—I should really think there was no particular harm in the gin palaces, as far as your remark goes.

5643. *Chairman.*] There has been a suggestion made by a superintendent of police, that it would be very advisable for all public-houses to be closed at 12 o'clock at night, which is not the case now, inasmuch as they may remain open until any time in the morning; now, would the brewers see any objection to that change being made?—None whatever.

5644. The brewers have an interest in these houses being made as respectable, and conducted in as orderly a manner as possible?—The greatest interest.

5645. Then any stricter police regulations would be rather wished for than opposed by you?—Certainly; I do not think the respectable licensed victuallers would have the slightest objection.

5646. Mr. *Gregson.*] Would you suggest any earlier hour than 12 o'clock?—I do not feel prepared to answer that question.

5647. Some of the police stated here, that a great degree of drunkenness took place on Saturday nights, especially, from 11 to 12 o'clock at night; would it be desirable to close them earlier, especially on Saturday nights?—I should be very glad, myself, if public-houses were all shut up on Sunday. I believe a great many of the respectable licensed victuallers would be glad if that were done; they have no holiday in the course of the year.

5648. Are the wages of the brewers paid on Saturday?—They are all paid by us before eight o'clock on Saturday morning; we think it better than Friday night.

5649. Mr. *W. Brown.*] You were understood to say that you do not think the gin palace is more demoralising than the congregating in public-houses of that sort of people who resort to gin palaces?—I think if I were to build a public-house, I should prefer the old system of having accommodation. I think they should have a fire in the taproom; there are a great many poor people who might not have the conveniences at home, for looking at the paper, and to sit, and on that account I think the old system of the taproom is an advantage.

5650. So far as public morals are concerned, do you think that the congregation of those parties in a taproom is as injurious as taking a glass of gin from the gin palace?—There would not be so many to congregate together, as they might round a gin palace. One is in the habit of seeing the bar of the gin palace surrounded by women and children; a mere taproom is generally not so commodious; it does not hold so many people.

5651. Then you rather consider, inasmuch as more people would be congre-

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gated round the counter of a gin palace than would be in a taproom, that it is more injurious to public morals?—If I were to give an answer, I should say, that I would prefer, as far as morality goes, that the old system should be adopted.

5652. *Chairman.*] What would your opinion be of the effect of throwing the trade more open, so that every person, upon paying a certain sum of money to the Excise, should have a licence to deal in all the articles that a publican does now, upon the beerhouse-keepers generally, and whether it would not reduce the number of beerhouses very much?—I think it would have a most demoralising effect upon the public in general.

5653. That would be another view of the question; but the question rather was, whether it would not require a larger capital then to carry on the business of a publican than is required for a beerhouse-keeper now, and whether a beerhouse-keeper could exist by merely selling beer in competition with the publican?—I think, if a licence were given in the manner in which you suggest, the capital of the present publican would be very much lessened, and he would not have so much property invested in it as to enable him to carry on his business so profitably.

5654. But I was asking about what was required by the publicans as to their being obliged to have a better stock in the house, and whether it would not diminish, or put out of business altogether, the persons who keep beerhouses now?—If more licences were granted.

5655. If a licence were given upon the payment of a sum of money to any person to carry on the sort of business that a licensed victualler does now, whether, then, to exist in the trade, so much more capital must not be brought into it, that a man with very little capital indeed must cease to be in the trade?—I think so. If you gave a licence by paying a certain sum to the Excise to everybody who requires it, no one would sell beer alone.

5656. And those who have only the capital now to sell beer alone could not remain in the trade?—Certainly not.

5657. Then, in fact, it would reduce the number of beerhouses?—No doubt of it; it would increase the public-houses; they would all become public-houses.

5658. Do you think there would be a fresh set of people start up with sufficient capital to carry on the business of a publican as it is carried on now with a licence?—They would try it; you would have a great many people try for licences under that system.

5659. Sir *G. Grey.*] Do you mean that if they could, they would sell spirits as well as beer?—No doubt.

5660. You are assuming, are you not, that the licences would be obtained on the same terms, and that the same money would be payable for both licences?—Yes.

5661. *Chairman.*] I am assuming that a larger sum of money would be paid to the Excise for a licence, and that persons who sold beer alone would not remain in the trade, but that a larger capital would be required to carry on the trade at all?—No doubt.

5662. Then you would have, as is the case with every other trade, if it becomes overstocked, a certain number retire?—Yes.

5663. Sir *G. Grey.*] Do you mean that if a licence to carry on the present publican's business was attainable for a certain sum, and a licence only to sell beer was to be obtained for half that sum, that the beerhouse-keepers, who are now connected with your house, would all take out the higher licence?—I should think those, perhaps, whom we serve would, because they are a great deal better class than the generality of beerhouses.

5664. Do you think there would still be a class of persons who would prefer paying the smaller sum for the licence, which would enable them only to sell beer?—There might; the beerhouses that we supply are generally those that are built in a large neighbourhood, who expect some time or other to get a licence.

5665. Mr. *W. Brown.*] Would not the first effect be, if the trade were thrown open, that there would be a great rush for licences, but that ultimately the wants of the public would determine how many could be supported profitably; and the others would retire?—I suppose it would be the same as in everything else.

5666. Sir *J. Pakington.*] Do you not think that some of those results would depend

depend very materially upon the price at which these licences respectively might be fixed?—Very much so, but the present licensed victuallers, who have embarked so large a property, would be ruined. *R. Hanbury*, Esq. 27 June 1853.

William Partridge, Esq., called in; and Examined.

5667. *Chairman.*] I BELIEVE you reside at Brighton?—Yes. *W. Partridge*, Esq.

5668. You are in the commission of the peace, and in the habit of acting as a magistrate?—I am a magistrate for Sussex, Herefordshire, and Monmouthshire. My experience as a magistrate extends over a period of 10 years.

5669. Is there a corporation at Brighton?—No; we act as county magistrates.

5670. Are there petty sessions held at Brighton?—Petty sessions are held at Brighton on Mondays and Thursdays, and one or more magistrates sit at the police court on the other days of the week. When not absent from Brighton, I seldom fail to attend the bench sittings.

5671. Do you attend the day on which licences to public-houses are granted?—Yes.

5672. Have you done so for some time past?—Yes, for two years.

5673. There are other magistrates who act with you?—Yes.

5674. How many?—Usually, I think, about five.

5675. They generally have been the same in your time?—Yes; I may say, that occasionally on licensing day other county magistrates, who do not usually act on the Brighton bench, sometimes attend.

5676. There are some in the habit of attending, and some who come in on that particular occasion?—Yes.

5677. And any person in the commission of the peace may attend on that day, and may vote on any particular application?—Yes; though it is not usual for other Sussex magistrates, not resident in the district, to attend; but there are some magistrates in the commission of the peace, resident in Brighton, not usually acting, who, upon the occasion of the licensing day, have given their attendance.

5678. Do they join in any decision upon an application for a licence on licensing day?—Yes.

5679. Now, are there many applications each year for licences?—I think, speaking from memory, that last year we had seventy-six applications.

5680. Seventy-six new applications?—Yes.

5681. Sir *J. Pakington.*] Is that more than usual?—Yes.

5682. *Chairman.*] Will you state what the average is annually of applications for licences?—I should think about fifty, but I am speaking from memory.

5683. Have you any practice there with respect to deciding upon these licences; is there any view taken of the premises after notice given that an application would be made?—Two or three days before the licensing day the magistrates drive round the town, accompanied by their clerk. They inspect all the houses applying for licences; that inspection occupies probably about six or seven hours; they make notes as to the capability of the houses for carrying on business, and try to judge, as far as possible, whether the houses applying for licences are necessary.

5684. What is the meaning of "necessary;" do you mean with reference to the requirements of the district?—Yes; we try, as far as possible, to judge whether it would be desirable to license a fresh house.

5685. Is that with reference to the wants of the district, or to the property in public-houses of a given neighbourhood?—With reference to the wants of the district, and also to the interests of other houses.

5686. You would not consider whether it might injure the property of the public-houses then existing, and whether, out of regard to the owners, you would withhold a fresh licence?—Yes; I think that is an element also which we take into consideration.

5687. I presume there is nobody on the bench who has an interest himself in any of these houses?—No.

5688. You allow no brewer to act on the bench?—No.

5689. I presume that no magistrate owns one of these houses?—No.

5690. Is there any inquiry into the character of the applicant?—Decidedly.

5691. Who makes that inquiry?—The police authorities attend on the licensing

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day, and if there was anything against the character of the applicant we should no doubt hear of it; at least it is their duty to inform us on this point.

5692. Could you say, out of this average of fifty, although there were more than that last year, what proportion obtained licences?—I think last year we granted 12 licences out of the 76 applications, as far as my memory serves me.

5693. And that resulted from a previous inquiry into the premises, into the character of the persons, and into the property then invested in public-houses?—Yes.

5694. Now, 12 had licences, out of the 76?—I am speaking from memory; I believe that was the number.

5695. Now, could you inform the Committee what generally was the objection to the remaining number of 64?—I think the magistrates on the bench are of opinion that, as long as the law is in its present state, we ought to act upon our old principle, and not license too many fresh houses; and we take into consideration, as far as we are able, whether there is an increased population springing up in any particular district; in that case we add one or two houses probably to those already licensed. I think that is the principle we try to act on.

5696. Do you think that is the ground on which preference was given to those 12 who were fortunate enough to get the licences?—Yes, and also because we considered those 12 houses to be the most commodious, and the most capable of fulfilling the public requirements. On inspecting a house, we go all through the house, and we consider whether the house is sufficiently commodious, and we make our selection accordingly.

5697. Mr. *Gregson.*] What is your guide in estimating the number of houses in proportion to the population?—That is mere guess-work; I do not consider myself that the magistrates have any opportunity of knowing what number of houses are required.

5698. *Chairman.*] Now, as we know, you have no power over the beerhouses; do the beerhouses increase considerably at Brighton?—Yes.

5699. Do you consider the beerhouses, when looking to the requirements of a district; that if there are several beerhouses, you do not grant a licence to a new public-house?—No. I may mention, that a person wishing to obtain a spirit license generally opens the house, in the first instance, as a beerhouse, under the impression, I believe, that the magistrates will eventually, as it were in self-defence, grant him a spirit licence, a public-house generally being a lesser nuisance than a beerhouse. Beerhouses, generally speaking, are a nuisance. The magistrates have not so much control over beerhouses as they have over public-houses.

5700. Do you mean a nuisance to the magistrates?—To the neighbourhood; I think beerhouses are, generally speaking, conducted in a worse manner than public-houses.

5701. What do you mean particularly by "self-defence"?—I mean to say that the magistrates are of opinion that, generally speaking, more immorality goes on in beerhouses than in public-houses; and the public have an idea that if they can, in the first instance, establish a beerhouse in the neighbourhood, that the magistrates may probably be induced to grant a spirit licence. Last year the chairman of our bench gave out, at the conclusion of the licensing business, that the mere circumstance of an applicant's already carrying on the business of a beershop-keeper would not be in itself an argument to the Bench to grant a spirit licence.

5702. But the impression was, that if a beerhouse sold spirits as well as beer, that there would be less evil resulting from it?—No, not so long as the law is in its present state; I do not think that is the impression.

5703. But you say the beerhouse-keepers imagine that the magistrates would grant licences in self-defence?—Yes.

5704. The difference being between selling spirits, and selling beer and spirits?—My impression is, that the beerhouse-keepers, generally speaking, are not men of such a good character as the publicans; that is my impression, and that their houses are not conducted in so orderly a manner.

5705. Then you are speaking from experience as a magistrate acting at Brighton?—Yes.

5706. Will you inform the Committee in what respect a beerhouse-keeper is a less well-conducted person, or his house is more disorderly, than a public-house? I think that persons who resort to the houses of beerhouse-keepers are generally of a lower grade.

5707. Why

5707. Why is that?—I am not able to state why it is, but I think my experience leads me to that conclusion.

5708. Have you any evidence of the fact?—No.

5709. It is an impression?—It is my impression.

5710. You have no certain data to go upon in the matter?—No.

5711. The customer of the beerhouse-keeper may not be respectable, but have the magistrates any experience of the misconduct of the beerhouse-keepers?—I can only give you my impression, because I came into this committee-room on Friday quite by accident, unprepared to undergo an examination. I have no returns in my possession.

5712. With respect to the informations laid against them, are they for serious offences?—Frequently for gambling.

5713. Allowing gambling?—Yes.

5714. Do you mean betting shops?—No; allowing the playing of cards, and so forth.

5715. Is that forbid in the licence?—Yes.

5716. Have you any betting shops at Brighton, do you know?—None at all.

5717. Is it ever brought before you, as a magistrate, that gambling is allowed in these beerhouses?—We frequently have informations laid against beerhouse-keepers for allowing card-playing, or playing for money, or money's worth.

5718. You have not the same informations against the public-houses?—Yes, decidedly; but I do not think we have so many informations against publicans as against beerhouse-keepers. That is my impression.

5719. Are the beerhouses more numerous than the public-houses?—Yes.

5720. Are there any other offences for which those beerhouse-keepers or publicans are brought before you, that you can enumerate?—Yes; the sale of beer beyond the legitimate hours.

5721. During Sunday?—Yes, and other days.

5722. That is an offence committed alike by the public-house keeper and beerhouse-keeper?—Yes, undoubtedly.

5723. Have you a police at Brighton?—Yes.

5724. A paid police?—Yes, they are under the commissioners.

5725. And they have instructions to watch these houses?—They have instructions to lay informations against any house offending against the law.

5726. There is no reason to believe that they are not as vigilant as they ought to be?—We frequently have complaints made to us of drunkenness by the inhabitants, and so forth, but certainly the informations which are laid before us scarcely correspond to the number of complaints.

5727. Is it drunkenness in the houses, or drunkenness in the streets?—Drunkenness in the houses; riotous conduct either in the houses or in the neighbourhood of houses.

5728. You do not allege that drunkenness has occurred more in beerhouses than in public-houses?—No. We take care not to grant a spirit-licence to any publican, without first ascertaining what his character is; but I think no inquiry as to character is carried out with respect to beerhouse-keepers applying for licenses.

5729. You were understood to say, that you are not prepared with any official results of the system?—No.

5730. And you cannot speak, with any accuracy, as to the advantage of granting licenses to the beerhouses?—No.

5731. Can you state whether there is any advantage that is derived to the public from the granting of the licences to public-houses?—No; individually I disapprove of the present system entirely.

5732. Will you state what your opinion is?—First of all, I do not think that the magistrates have the means of arriving with sufficient accuracy at the requirements of a neigbbourhood. I do not think they are the parties who should be burdened with granting the licences; I do not think that they can grant those licences with advantage to the public.

5733. You think the public would determine that better for themselves?—Yes; I think that the licensing system should be thrown open.

5734. You would not distinguish it from any other business?—Certainly not.

5735. You think the supply would adapt itself to the demand, as in any other business?—Undoubtedly.

5736. You do not believe there is any great moral advantage produced by the system of licensing, inasmuch as the magistrates are unable to make sufficient

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inquiry always to secure the best persons to occupy public-houses?—I think the magistrates are able to decide as to character; but then I think that they have no other data to go upon.

5737. They do not inquire into the capital of the man who enters into the house?—They have no means of making that inquiry.

5738. Are the number of transfers considerable there?—Yes, very considerable.

5739. You have so many transfer days in the course of the year?—Yes.

5740. And upon those occasions, you find the persons who have recently received licences, transfer those licences?—That frequently happens.

5741. Has it ever been within your experience to learn what are the grounds upon which they transfer their licences?—No, I am not able to state with any accuracy.

5742. Do you know whether many of these houses belong to the brewers?—I believe they do; I believe that is the great objection to the present system, that the publicans are completely under the thumb of the brewer.

5743. That these houses belong to the brewers, who put in people to hold them?—Yes.

5744. That then they are completely dependent upon them?—That is my impression.

5745. What is the evil of that, as far as you have observed?—I think that any punishment a magistrate can inflict on a publican for carrying on business against the tenor of his licence becomes nugatory; because my impression is, that the brewers frequently pay the fines.

5746. Does a brewer refuse to allow a man who has been convicted to occupy another of his houses?—I am not able to say whether that is so or not.

5747. Do the magistrates refuse to renew a licence, or grant another licence, if one has been suspended, to a man who has been convicted?—Decidedly so; if it came to our knowledge that a man had been convicted; but it is possible that a man may have been convicted in some other district, and then it would not be within our knowledge.

5748. Is there any other evil that you know of that arises from the extreme dependence that you describe of the publican on the brewer?—I think the public are not supplied with so good or cheap an article as they should be.

5749. From the trade not being free?—Yes.

5750. Is the publican bound to receive the beer of the brewer?—That is my impression. I think the publican is completely in the hands of the brewer, and he is bound to receive whatever liquor he is supplied with, to the detriment of the public in some cases.

5751. If the publican is so dependent on the brewer, has he a very strong interest in the good conduct of the house; does he make a great sacrifice if he is informed against or convicted?—It appears to me, that the more dissipation and drunkenness goes on, the better for both brewer and publican; so that my impression is, that the brewer has a direct interest in the house being conducted in a disorderly manner; when I say disorderly manner, I mean in the encouraging an increased consumption of liquor.

5752. It is the interest of the brewer that there should be a rapid and great sale of the article he supplies to the publican?—Undoubtedly.

5753. I presume the brewer has no influence on the bench, so that if a man is convicted of disorder, the brewer can procure a licence to be renewed?—No brewer has any influence on the Brighton bench; I can only speak as to the Brighton bench.

5754. Has he any influence on the police?—He may have; I am not able to answer that question decidedly.

5755. Would you state what the rule is with respect to the Brighton bench, where they have evidence given of informations having been laid or convictions procured against publicans where there is a renewal of licences?—It is not within my knowledge that we have refused to renew a licence. I believe there is difference of opinion, rather, as to the law on that subject; I fancy, on appeal, licences have been granted by Courts of Quarter Sessions, unless there have been several convictions proved against such house.

5756. But you are not aware of any licence being refused?—No.

5757. Have you renewed, although probably you are aware the same public-houses have been informed against?—I think not; but my impression is, that we should

should not be justified in refusing a licence on a mere complaint that a house was conducted improperly, unless such complaint was established by one or more convictions.

5758. Supposing the law to remain the same, is there any amendment you would propose that would ensure the public that these houses should be better conducted?—No, not as long as the law remains in its present state.

5759. What do you consider would be the effect; do you think a better system would take place at first, namely, that a person should carry on the business of a publican, as they carry on any other business, although they might be subject to a payment for procuring a licence?—I think a great many licences would be taken out at first, but I think that after a time that state of things would find its level, and that competition would show what number was really required; no man would carry on a business at a loss.

5760. But you see no objection to its being as it is in other trades, except that it should pay for its licences?—Undoubtedly not; my impression is, that the public interest requires that the licensing system should be thrown entirely open. I think that the Excise, or some other authority, should be empowered to grant licences to every person of good character, rated at a sum afterwards to be taken into consideration. Of course, in rural districts the sum should be lower, and in the metropolitan and other populous districts higher. I would distinguish the towns from the rural districts. Every respectable rated inhabitant should be entitled to a licence to carry on the trade of a licensed victualler, and I think that all licensed houses should be placed under the supervision of the Excise or Police Commissioners, who should send down officers from time to time to inspect each district.

5761. I understand, at first, you mean that they should be subject to this present, or to the greater supervision of the police, who act in the town; but that the informations laid against them should be referred to the Commissioners of Police?—I think there should be a movable body, similar to the Excise authorities, whose duty it should be to go about from town to town, and keep an eye over all licensed houses, and in cases where they had evidence of any improper conduct against the tenor of the licence going on in such houses, it should be their duty to lay informations.

5762. Do I understand you that they should directly inform, or that they should be authorised to receive evidence of any offence, and the subordinate police should lay the informations before them?—I think they should report to the Board in London.

5763. The subordinate police who act and reside in the town?—Should exercise their present inspection and control.

5764. Then where would you have the case tried?—Before the local bench; I suggest this, that this movable body of officers or commissioners should report to the Board in London, with a view of the Board, on the occasion of the next licensing day, refusing to renew the licence.

5765. Then you will not deprive the magistrates of their present jurisdiction; of deciding ultimately upon the case?—Certainly not.

5766. But the case should be brought first before the commissioners who should visit any particular district periodically for the purpose?—I think that the police should still have jurisdiction, and should take into consideration offences committed within their districts; but I think they should be assisted by another body, a body which should move about from time to time, and hold a supervision, as it were, over the police themselves.

5767. But you refer to the Commissioners of Police; do they make circuits in the country?—I think this is very frequently done in the case of Excise officers.

5768. Do they hear cases and take informations that are laid?—No, they take out informations; and those informations are heard by the local bench.

5769. Do you speak from knowing the fact that the Commissioners of Excise visit particular districts in the course of the year?—The Excise officers; not the Excise Commissioners, but the Excise officers. Fresh officers unknown in the district are occasionally sent down.

5770. I presume that what you wish to convey to the Committee is, that there should be some other authority than exists at present; one competent in itself, and quite independent of local interest?—Yes, that is precisely my meaning.

5771. Local interests do interfere with the due administration of the law with respect to public-houses?—That is my impression.

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5772. You state that you are in the commission of the peace for more than one place; do you know anything of the operation of the Beer Act, and the effect of beerhouses in the country districts?—Very little indeed.

5773. There is no regulation that you have to suggest with a view to remedy evils that are complained of as to beerhouses in the country?—No.

5774. Do you know of any complaints that are made in the rural districts of beerhouses?—No; I am not aware of any special complaints.

5775. Is there any suggestion which you would wish to make, with respect to the supervision of the police at present, with regard to public-houses, either as to their power of going into these houses, or clearing them, or closing them?—I think they have every necessary power now.

5776. We have had it suggested that public-houses should be closed at a certain hour of the night as well as beerhouses; do you approve of that change?—I think the public-houses should be open in the metropolis till one o'clock.

5777. Now with respect to such a place as Brighton, do you see any objection to closing those public-houses at an earlier hour?—I do not think it is necessary that they should be closed before 12 o'clock. I think that the public convenience requires that they should be open until 12 o'clock.

5778. Are there any evils resulting at Brighton from these houses being kept open till a late hour?—Not that I am aware of.

5779. Are there no complaints that reach you of drunkenness in the streets at an early hour in the morning?—We certainly have at present complaints of drunkenness in the streets; but we have no power under our present local Act of punishing drunkenness in the streets. The fine imposed under the general Act cannot be recovered till a week has expired, and such fine is seldom paid.

5780. Have you any reason to doubt, or do you believe, that those cases of drunkenness proceed from persons having been in a public-house at a late hour?—Yes, I conclude that must be so.

5781. Do you believe it might prevent some of that drunkenness of which you hear complaints, if public-houses were closed at an earlier hour?—Yes, to a certain extent, the drunkenness you speak of would be prevented, but I think that the public convenience requires that the houses should be open until a late hour.

5782. Is there anything peculiar to Brighton, which renders that necessary from the circumstance of its being by the sea?—There are a great many strangers and visitors constantly coming down. I think it would be very inconvenient if they had no house of entertainment to resort to.

5783. The visitors do not go much to public-houses?—The excursionists frequent public-houses; sometimes as many as 10,000 excursionists visit Brighton in one day.

5784. All these excursionists go back again?—Not always; the tickets, I believe, are available generally from Saturday till Monday.

5785. You do not consider that 12 o'clock is too late?—I think not. In my opinion the too early closing would lead to an evasion of the law.

5786. If they were closed at that time it would be attended with some advantage?—Yes, decidedly.

5787. Mr. *W. Brown.*] You would not object to travellers coming in after 12 o'clock to receive refreshments, or probably before four in the morning, provided it was certain that they were travellers, either coming or going?—No.

5788. Then so far as travellers are concerned, you would allow the houses to be open all night?—No, not all night.

5789. But then how are they to get in if shut?—That might be a matter of difficulty.

5790. But travellers, I mean?—Yes.

5791. *Chairman.*] Are there any other places of public entertainment at Brighton, that are the occasion of any immorality or evil, that you are aware of?—The coffee-shops are a very great nuisance.

5792. Do you mean with reference to the characters they harbour, or to the hours they keep open?—They are kept open the greater part of the night, frequently for the sale of intoxicating liquors. At present the police have no power to enter coffee-houses, though the worst characters harbour there.

5793. Unless there is a disturbance, or a person wants to give a party in charge?—Yes.

5794. Do you think that the police should have the same supervision over the coffee-shops as they have over the public-houses and beerhouses?—Yes.

5795. Sir

5795. Sir *J. Pakington.*] You state that you and your colleagues on the bench are in the habit of granting or withholding licences to these houses, on the ground of what you consider the wants of the district, and to prevent there being too many fresh houses. Now, how do you estimate the wants of the district, and how do you judge of what would be too many fresh houses?—I do not think we have any means of estimating what the wants of the district are; I think no bench of magistrates can take that question into consideration with any advantage to the public.

5796. Now I understand you to say that you are practically in the habit of coming to your decisions upon these grounds?—We make a guess of what number of houses are required, and form the best opinion we can, but it is a mere guess.

5797. Any such decision you consider to be loose and unsatisfactory?—Undoubtedly.

5798. You also state that beerhouses are generally a nuisance?—Yes.

5799. Is that opinion founded on your experience as a magistrate, in consequence of the number of complaints that you have had at petty sessions?—Yes, undoubtedly it is.

5800. *Chairman.*] I understood you to say it was only an impression you had?—I have no data to go upon; but although we have very great complaints of the beerhouses, I think I explained to the Committee that I attribute that to any man being able to open a beerhouse; and, as I before stated, we are particular before granting a spirit licence to discover what the character of the applicant is. With respect to beerhouses, that safeguard does not exist, consequently I consider that is the reason of the beerhouses being occupied by a worse class of men.

5801. If there was time, you think some facts could be procured from Brighton to justify that conclusion, that more complaints are lodged against beerhouse-keepers than against publicans?—I think it would turn out that that is so. I have written to Brighton for some returns.

5802. Mr. *Brown.*] Returns of convictions?—Yes.

5803. *Chairman.*] Is the opinion you are now expressing to the Committee founded on reports from time to time made to you by the police and general repute, or is it founded on your memory, with regard to actual convictions before you as a justice?—On both.

5804. And without the returns for which you have applied, can you state whether the convictions of beerhouses are greater in Brighton than the proportional difference between the number of the beerhouses and the number of public-houses would lead one to expect?—No, I cannot state that.

5805. Can you state what is the number, in Brighton, of public-houses and beerhouses?—No, I cannot.

5806. Can you state whether or not the beershops, under the perfect freedom which they have to apply for licences, have been increasing more rapidly than the public-houses?—Undoubtedly, I believe there is a great increase of beerhouses.

5807. You say that the magistrates in granting licences have regard to the character of the applicant?—Yes.

5808. No such power exists in the case of beerhouses?—No, the magistrates have nothing to do with granting of licences to beerhouses.

5809. Do you think that the magistrates having and exercising that means of inquiry into the character of publicans, and no such power existing in the case of beerhouses, at all accounts for the superior conduct on the part of the public-house keepers?—It probably may do so, but I think the Commissioners of Police, or some other body, would be able to exercise their discretion with as much advantage to the public as the magistrates.

5810. If the trade were thrown open in the way you have suggested, and every man who chose was enabled to get a spirit licence, as a person can now get a beerhouse licence, should you apprehend any bad consequences from the want of that check with regard to previous investigation of character?—No; because what I suggest is, that the same scrutiny which we exercise as to character should still go on.

5811. Before the issuing of the licence under your suggestion?—Yes.

5812. How would there be any scrutiny of the character previous to the issuing of the licence?—It would be the duty of the authorities who do issue licences to inquire what the previous character of the applicant was.

5813. You would make it their duty; it is not their duty now?—Yes.

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5814. It would be part of your plan that it should be their duty?—Yes.

5815. It would be part of your plan that, under such a change of law, wine and spirit licences should depend on the previous character being proved?—Undoubtedly.

5816. You have also said that the publicans are under the thumb of the brewers, but of course I understood you to speak of Brighton?—I speak generally of other places as well as Brighton.

5817. But do you say that that is the case at Brighton?—Yes.

5818. Is that a theory of your own, or is it founded on anything within your own knowledge?—It is only my impression, but I can mention a case confirmatory of my view. A jury case was tried the other day in the Brighton court, in which a brewery firm were plaintiffs, and a beerhouse-keeper, of the name of Domine, defendant. The action was brought to recover a sum of money alleged to be due from the defendant to the plaintiffs for a bar-engine. The defendant stated in evidence that the plaintiffs had made him a present of the engine, and that they had sued him in consequence of his obtaining his supply of beer from another firm. It appeared that defendant had removed into a free house. Defendant stated, that the quality of beer supplied to him by plaintiffs was so bad that his (defendant's) customers would not drink it.

5819. This came before the bench?—No; before the County Court Judge; and the brewers were non-suited.

5820. Was there any evidence in that case, or is it within your knowledge what was the relation existing in that case between the publican and the brewer?—In that case the publican was entirely dependent upon the brewer. He was not sued until he went into what is called a free house. Directly he took a free house, he was sued by the brewer who had previously supplied him.

5821. In what sense was he dependent upon the brewer; did he borrow money?—He borrowed money of him; and with some difficulty he raised the money, and paid off the original loan.

5822. Are you judging the whole case of Brighton publicans by that one case, or have you any means of knowing what proportion of the Brighton publicans are what you call under the thumb of the brewer?—No; I believe most of the houses are brewers' houses.

5823. You cannot name any proportion?—No, I cannot.

5824. Do you know whether any considerable proportion of the Brighton publicans are, or not, under the thumb of the brewer?—No, I do not; I do not say that any are; but I give you my impression.

5825. That is merely an impression?—Yes; I am not only speaking of Brighton, but I am speaking of the metropolis and the provincial districts generally.

5826. But still only as an impression?—Only an impression.

5827. You stated to the Committee another impression, and that is, that the brewers pay the fines imposed on the publicans?—Yes.

5828. Now have you any facts, within your knowledge, to justify that impression?—No.

5829. Is that only an impression?—That is only an impression.

5830. What is it founded on?—From statements which have been made to me as a magistrate.

5831. Statements by whom?—By the police.

5832. To what effect?—That the fines would be paid. In some cases the fine has not been, at first, forthcoming, but it has been paid immediately afterwards. I am only speaking of my own impression.

5833. Does that prove that it was paid by the brewer?—Certainly not.

5834. That has been stated to you?—Yes.

5835. In the way of evidence, or a loose rumour?—A loose rumour.

5836. In your experience as a magistrate, you have found that deferring the payment of a fine is a very common occurrence; is it not?—Yes.

5837. You have also stated a view of your own, that the Police Commissioners should go and travel about the country, in order to ascertain the conduct of the publicans, and lay informations; do you contemplate the creation of a new body of commissioners for that purpose, or the exercise of this authority by any existing body?—By the Excise; or some other existing body. Probably I did not make myself quite understood by the Committee. What I contemplated was this, that the police should still retain their present power of visiting houses, and laying informations, but that some body, the Excise probably it would be, should overlook the

the police from time to time should visit the towns, and see that the police are doing their duty; and in cases where it is supposed that it is otherwise, that they should report to the Board in London.

5838. But your expression to the Committee was "Police Commissioners;" when you said Police Commissioners, you did not mean the present Board of Excise?—Probably I spoke rather loosely, but I think it is desirable that some authority in London should have, as it were, a supervision over the public-houses, so as to see that the police are doing their duty, and that the licensed houses are properly conducted.

5839. Then the expression "Police Commissioners" was used by you only generally, and was intended to convey only the idea of some supervising authority?—Yes.

5840. Then, assuming the existence of this supervising and itinerant authority, do you think that when they arrived at any particular town, they would be in a position to ascertain, in any degree whatever, the conduct of the public-houses for any preceding period in that town?—Perhaps not.

5841. How do you propose that they should arrive at a judgment upon which alone they could exercise your proposed jurisdiction?—I think they will be able to form some opinion in a visit of a few weeks. If they came down to a town, and stayed a week or two, they would have an opportunity of ascertaining whether things were going on properly.

5842. How ascertain?—By personal inspection and supervision.

5843. Do you think they would be able to judge, during such a residence, of what was going on then or had occurred before?—If anything improper went on during their presence, probably the authorities might assume that such was the case when they were not present.

5844. Would you have more confidence in such an itinerant body, staying a short time in such a town, than you would in the men whose duty it is to inspect the conduct of the town in which they reside?—I should not have more confidence, but at the same time I should be satisfied that the police would be to a certain extent overlooked; that is all I wish to get at.

5845. You would not trust the present authorities to overlook the police?—In Brighton the magistrates have no jurisdiction at all over the police.

5846. Why not?—Because the police are not under the magistrates; they are under the Police Committee, who are chosen from the body of Commissioners.

5847. That is owing to the accident of Brighton being, unlike most other large towns, without municipal authority?—Yes.

5848. Mr. *W. Brown.*] Are any of those Police Commissioners owners of beer-houses or public-houses?—Not that I am aware of.

5849. You spoke of safeguards; do you think if the trade was thrown open, as you have stated, that it would be a great safety to the public, not only as to the character, but the good conduct of the parties keeping the houses, if they were in the first instance obliged to pay more for their licences, and, in the next instance, were obliged to give security for their conduct; the sureties taking care, as they would take care, or ought to take care, to see that the parties for whom they became security were respectable people?—Probably it would be.

5850. You spoke of local interests; is it not the case now that the Excise occasionally change their excisemen from place to place to prevent their having those local interests?—Undoubtedly it is; probably I have not exactly explained myself to the Committee, but that is the very system I should like to see enforced.

5851. *Chairman.*] You have said that the magistrates attach importance to the character of the person who gets the licence, but without reference to the character or conduct of the house; what I presume you object is drunkenness, as resulting from the beerhouses?—Yes.

5852. But the man may be a very good character who keeps a beerhouse where his customers drink, and drink too much, and become drunken when they go out of the house?—Yes.

5853. A man may be a perfectly good character, may he not, who tries to get as much custom as possible, and sell as much of the intoxicating liquor as possible?—He may be.

5854. What is it that the magistrates expect from finding a man to be of a good character in the place where he has resided?—A man of good character

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would probably take more pains to enforce order and good conduct in his house; if we considered a man was a drunken or dissolute man, it would be a strong argument against our granting him a licence.

5855. If the publican was a drunken man?—Yes, the applicant.

5856. But the mischief that follows from public-houses is, that there is too much drinking at these houses?—Yes.

5857. But that might be the result either of the good character of the person, or of the bad character, holding the house?—Yes.

5858. But what is the check of good character worth, where the man is as dependent on the brewer as you describe; the brewer has no great care, according to your account, as to the way in which the house is conducted, so that it insures great custom?—I think under the present system there is no check; I do not think that good character is of much avail, or profit to the public at large, under the present system.

5859. Therefore the licensing system is not of so much importance as a check upon bad character in the publican himself?—No.

5860. Mr. *W. Brown.*] Would not the sureties that would be required for the beerhouse-keeper be much more likely to know the character of the individual for whom they became responsible, than the magistrates could possibly be?—I do not know that; the magistrates have great opportunities, through the police, of ascertaining what the characters are.

5861. *Chairman.*] Should you say that drunkenness has increased in Brighton of late?—I am only speaking of my own impression; my impression is that it has increased.

5862. And the population has increased very much?—Very much.

5863. And a great number of visitors come there?—Undoubtedly.

5864. Would you refer it rather to that cause than to the morals of the people who reside habitually at Brighton being worse?—I should attribute it to the increase of population.

5865. And the increase of visitors being greater, owing to the access being much easier than it used to be?—Yes.

5866. Sir *J. Pakington.*] You do not mean that drunkennes has increased more than in proportion to the increase of population?—No.

5867. Would you say that the morals of the people of Brighton are improved rather than the contrary?—Yes.

5868. Mr. *Gregson.*] You propose to extend the system of licensed houses to all rated houses; what would be the rate at Brighton?—I should think about 40 *l.* a year.

5869. I am not speaking particularly of London or Brighton; you would not grant licences to houses rated below 40 *l.*?—Thirty pounds or forty pounds a year; I am not prepared to say which.

5870. Sir *J. Pakington.*] What is the amount of rating, under the existing law, required now for a beerhouse at Brighton; is it the maximum?—I think it is.

5871. The population is large enough for that?—Yes.

5872. That is 15 *l.* a year?—Yes.

5873. Mr. *Gregson.*] You spoke of publicans being dependent on brewers; are those London brewers or Brighton brewers?—Brewers in general. I gave you my impression that publicans are dependent, as a class, on brewers in general.

5874. But at Brighton are they dependent on Brighton brewers or London brewers?—Brighton brewers.

5875. Is there a sufficient number of Brighton brewers, that they can change from one to another, if they are not supplied with good beer?—I believe every brewer has houses of his own.

5876. The publican can change to another brewer; is not that so?—That depends on whether he owes money or not to the brewer with whom he is dealing.

5877. But is there a sufficient number of large brewers in Brighton for the publican to change?—There are not so many brewers as I should desire to see; I should like to see more brewers.

5878. *Chairman.*] Is it the beer of some London brewers which is chiefly consumed at Brighton?—I think not; I think we consume our own beer.

5879. You do not know that any of these houses belong to London brewers?—No.

5880. Sir *J. Pakington.*] Is it chiefly beer, or porter, that is supplied to the public-

public-houses in Brighton?—Chiefly beer; there is a greater consumption of beer than porter in Brighton, undoubtedly.

5881. *Chairman.*] Do you speak your own opinion, or do you represent the opinion of your brother magistrates, as to the change in the system you suggest?—I speak my own opinion; I believe the opinion of some of my brother magistrates would be at variance with mine. I speak my own opinion. I think the Chairman of our bench would agree with me as to the expediency of throwing open the trade.

5882. There is a difference of opinion?—I should say so; but we have not discussed the question.

5883. Sir *J. Pakington.*] Under such a new system as you contemplate, would you propose to have two classes of licences, or only one class of licences?—I think probably two classes of licences would be desirable, but I have not considered the question.

5884. *Chairman.*] Have you seen a Return made to this House of the number of convictions in Brighton for disorderly conduct and drunkenness, between the years 1841 and 1851?—No.

5885. You are not aware that in 1848 there were 246 convictions for drunkenness, and that they gradually declined, till in 1852 there were 169?—No, I am not; are you speaking of convictions?

5886. Yes; you thought that drunkenness had increased, but as far as this Return goes, there is a decrease each year?—I do not think that Return is conclusive, because I do not know that we have all the cases of drunkenness brought before us.

5887. It depends on the vigilance of the police?—I do not mean to impute any want of vigilance to the police, but occasionally the police may not see fit to interfere. If a man is drunk, and a policeman desires him to go home, and the man does go home, the policeman would not interfere.

5888. You do not act for any other part of the county of Sussex?—No.

5889. Is there a rural police in the county of Sussex?—Yes, a county police.

5890. Established recently?—In the Western division, a new body of district superintendent constables have, I believe, been recently established.

5891. Sir *J. Pakington.*] You are in the Eastern division?—Yes.

5892. Is there a rural police in the Eastern division?—Yes.

5893. They do not act in Brighton?—No.

5894. Your police is under the Local Act?—Yes.

5895. Under the authority of the Commissioners?—Yes.

5896. Have the magistrates no power over them at all?—They are not in any way under us. If we make any complaint to the Police Committee, undoubtedly it would be attended to; but they are not directly under us.

5897. Have you ever had occasion to make complaint to the Police Committee?—We have not, as far as I can recollect.

5898. The conduct of the police is extremely satisfactory?—Yes.

5899. You have no reason to apprehend any discordant action between the magistrates and the Police Committee?—No.

5900. *Chairman.*] Is the Police Committee elected under this Act?—Yes.

5901. Are they Commissioners like those in London, at the head of the whole body?—Yes, they are Commissioners elected from the ratepayers.

5902. Sir *J. Pakington.*] Is the police at Brighton numerous?—We employ about 54.

5903. Is it effective?—Yes, a very excellent body of men.

5904. Well conducted?—A very well-conducted body of men.

5905. *Chairman.*] With respect to visiting these public-houses, they act under the direction of the magistrates?—Not at all.

5906. Are there not directions issued from the bench, that the police shall inquire into the conduct of these houses; do they not receive reports from them?—We have nothing to do with the management of the police. The high constable of Brighton is supposed to look after the public-houses.

5907. Sir *J. Pakington.*] When you say "management," I presume that you have no authority in the appointing, or in the detailed arrangements of the police; but as magistrates, the police are bound to obey your instructions, are they not?—We have no authority to issue any orders to the police at all.

5908. You have authority to give them instructions for executing your warrants, have you not?—Yes.

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5909. And for carrying out all your proper functions as magistrates within your district?—We have no more authority to give orders to our police than the metropolitan magistrates have to the London police; the latter being under the Police Commissioners, whilst our police are under a portion of the Brighton Town Commissioners, called the Police Committee.

5910. Do not the police attend to your instructions as magistrates, so far as is requisite, within the town of Brighton?—Perhaps they do.

5911. *Chairman.*] Is it the fact, that directions are given to watch these public-houses?—General directions. They lay informations, and apply to us for summonses; we always encourage them to prosecute.

5912. Having taken out the summonses, they bring them before the Petty Sessions?—Yes.

5913. Mr. *W. Brown.*] Suppose there was anything like a riot, would you conceive it was your duty to order the police to suppress it?—Yes.

5914. Sir *J. Pakington.*] The police always attend the meetings of the magistrates at Petty Sessions?—Yes.

5915. You have never had any cause of complaint against the police for any neglect of your orders as magistrates?—On the contrary, they are a very excellent body; I do not think there is a better body to be found in any town. I do not think that an increase of public-houses would increase the amount of drunkenness. My impression is, that the consumers would be more divided, which I think, to a certain extent, would be desirable.

5916. Mr. *Brown.*] You think that if the people wish to get drunk, they could do so now, from the number?—In any street.

5917. You think that fewer would congregate on one spot, if the trade was more free or open?—Yes, and if the trade was more free, I think the public would get a better and cheaper article.

5918. Sir *J. Pakington.*] Would there not be smaller profits?—Not eventually; probably too many houses would be open at first, but I think that would find its level.

5919. Do you think that the tendency of such a system would be to improve the article supplied, or to deteriorate it?—To improve it, decidedly. I think the public are supplied now with a very inferior article, at a price much too high.

5920. *Chairman.*] Do you think that it would raise the character of the beer-shops if they had more capital embarked in the business than there is now?—I do, indeed; because, unless the beerhouse-keeper sold a better article, he would not have any trade.

5921. As regards beer only, is not the trade sufficiently open to test the principles to which you are now referring?—My impression is, and I am only giving you my impression, that a beerhouse-keeper cannot compete with the publican; that there are not sufficient profits arising from the sale of beer alone, and that the beerhouses, not being so attractive as the public-houses, are not so much frequented by the higher grade of customers.

5922. But in point of competition, as regards beer, there is as much competition as you could desire, is there not?—There is as much competition between beer-house-keeper and beerhouse-keeper; but then I am afraid that few of these beer-house-keepers are independent; that is my impression.

5923. That they are not independent?—No; I think that they would be, if the trade were thrown open.

5924. You look to competition in improving the quality of the beer?—Yes.

5925. But you have competition as regards beer?—Not the competition that I should suggest; there is competition between beerhouse-keeper and beerhouse-keeper, and not between brewer and brewer. I think, under the present system of licensing, any new brewer would have a difficulty in succeeding in trade, because I believe he could not obtain a sufficient number of licensed houses.

5926. Do you think that the public-house keepers, or the beerhouse-keepers in Brighton brew their own beer?—I do not think so.

5927. Not one?—I think not.

5928. Do you think that a very low kind of beerhouse could exist at all if the trade was thrown open, and that the business of a publican was not separated as it is now by law?—No; beerhouses would cease entirely, in my opinion.

5929. Sir *J. Pakington.*] Does not the present law of rating prevent that very low description of house in large towns like Brighton?—No; I think 15*l.* in Brighton would ensure a very poor house indeed.

5930. A very small house indeed would let in Brighton for 15*l.*?—Yes.

5931. Mr. *Gregson.*] Do you suggest that the local authorities should not have the power to grant licences?—I would take that power out of the hands of the magistrates entirely.

5932. And that no local authority should have the power?—No local authority.

5933. *Chairman.*] I understand you to say that the authority of granting licences should be more independent of local interest than at present?—Undoubtedly,

5934. You do not prescribe to the Committee, or suggest the particular authority which is either to grant the licenses, or to exercise the authority afterwards; but you think from your past experience that it ought to be more independent of local interest than it has hitherto been?—I do; and I think that there should be some office in the metropolis where all convictions against licensed houses should be registered. A new office has been established for the registry of county court judgments; and I think it would be equally desirable that such an office should be established for registering all convictions against public-houses.

5935. And that the magistrates should notice previous convictions of publicans, when informed against?—Yes.

Robert Tubbs, Esq., called in; and Examined.

5936. *Chairman.*] I BELIEVE you are Chairman of the Kensington Division of Middlesex Magistrates?—I am.

5937. You attend on licensing days?—I have done so for nearly a quarter of a century; 23 or 24 years. If you will allow me, I will give you the parishes which constitute the division; there are eight parishes, Willesden, Acton, Ealing, Chiswick, Hammersmith, Chelsea, Kensington, and Fulham.

5938. Sir *J. Pakington.*] Do those eight parishes constitute more or less than the Kensington division?—That is the Kensington division.

5939. *Chairman.*] You sit with other magistrates?—Very frequently we have something like 10 or 12; on licensing days as many as 15.

5940. Are there certain magistrates who attend particularly to the licensing of public-houses?—Almost the whole of the magistrates of the division attend on licensing day; they are, generally speaking, scattered over the eight parishes I have mentioned to you.

5941. What is the practice of the Middlesex Bench as to licensing?—Our practice is to meet, according to Act of Parliament, in the month of March. We give notice in January of our day of meeting in the month of March. A precept is directed to the high constable, and served on the petty constables, and notice is served on all the publicans. I will first say what we do with regard to old houses, those which have been previously licensed, and then those for which new applications are made. On an appointed day, which is generally the first Monday in March, the whole of these persons are summoned before the Bench, and they all attend; we have also the inspectors of police, and all the parish constables. Those parties against whom no information has been laid, or who have not committed any offence against the Act of Parliament during the preceding year, have their licences renewed as a matter of course; those against whom anything like a serious offence is alleged are, what they call, suspended till the adjournment day. "Suspended" is, in fact, not a proper word there; because there is no suspension of the licence. All our licences run from the 5th of April to the 5th of April; and as we are restrained from having a licensing day, except in the month of March, it is not possible, until the 5th of April comes again, to suspend that licence.

5942. It is an adjournment of the consideration?—That would be a better term; an adjournment of the consideration until the adjournment day. On the adjournment day the police inspectors appear again, with any witnesses they may think right to call, and these cases are gone into *seriatim* one after the other; and if they are very serious cases indeed, as happens sometimes, then we have, in two or three or four instances, refused the licence altogether; not suspending, but refusing. We say, "We will not grant that licence; we will not renew that licence"; in that case the party generally appeals to the sessions; in other more trivial cases the publicans are reprimanded, cautioned, and so forth, and their licences are then granted to them on the adjournment day. That is, as regards

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the old licences. With regard to the new licences, the magistrates get notice of these early in February, in order that they may have time to visit every one of these houses, which, to give you an idea of the number, last year amounted to 50.

5943. Sir *J. Pakington.*] Fifty applications?—Fifty applications in the Kensington division. The clerk sends us a list round, that we may go and visit these houses; and in order to give you an idea of the time and attention that it requires to do this, I have this year taken the trouble of setting it down on paper, and I find I have travelled in my own carriages 65 miles, and walked 25 miles, for the purpose of visiting every one of these houses.

5944. *Chairman.*] You did that by yourself?—Entirely; each magistrate takes his own course about that; sometimes one or two go together, but as we do not live in the same parishes, we generally take an opportunity of doing it at our convenience. These licences are then considered *seriatim*, and they are either granted or not, as the majority of the bench of magistrates see fit.

5945. Do the magistrates so perambulating the district make a report?—No; each magistrate generally has his own notes, which he makes use of at the time of the application. I think that is an outline of our proceedings.

5946. Then these 50 new applications are considered severally by the magistrates after the inquiries have been made, and when they meet?—Yes.

5947. They compare notes with each other, and determine upon which of the 50 shall have licences?—A magistrate will say, "I think that licence should be granted for such and such reasons." Another magistrate will say, "Are you aware of this?" or, "Do you think that the house is appropriate?" or, "Do you think the wants of the neighbourhood require it?" and things of that sort. Then probably he would read the note he made, and argue in that way; and probably oppose the granting of the licence.

5948. Then they depend upon each other for information with respect to a particular licence?—Each man depends upon himself, but he is willing to hear what his brother magistrates have to urge.

5949. I presume the other magistrates are not so active as yourself?—A great many of them are; we do not consider that a man should vote for or against the licence who has not seen the house.

5950. What is the peculiar advantage of seeing the house; I mean, what does that determine in the minds of the magistrates?—They determine as to whether it is a house adapted to the accommodation of the public, and fit to be opened as a public-house, which we apprehend is a very great point in the question, as to whether or not we should grant the licence.

5951. How is that determined; is there any model public-house that you judge the others by, or is it with respect to what you consider to be the want of the district?—We judge of each by itself, with regard to the adaptability of the house, and the wants of the neighbourhood, as a matter of course.

5952. Do you take evidence on the spot from the inhabitants?—Yes; we hear anything that may be urged on the spot, either by the persons to whom the houses belong, or other parties; and at our meetings we generally have petitions from the inhabitants both for and against.

5953. There is no notice given of the view that is to be taken by the magistrates, or of their intention to view the spot?—None whatever.

5954. The magistrates take some pains to ascertain on the spot whether the public-house is wanted?—Yes: having a local knowledge of the whole division. We probably judge long before the time comes, because when we see a house being built for a public-house, we proceed to make our calculations, and form our opinions upon it.

5955. Is there any rule by which magistrates judge of the wants of a district?—Not at all.

5956. And the magistrates probably have not all the same rules?—It would depend upon the views of each magistrate.

5957. I suppose sometimes two people are applying for the same spot, or almost the same spot?—Very nearly.

5958. Is there any rule that decides between those two?—As far as I myself am concerned, I should prefer the house that was the best house for the public accommodation.

5959. Are the applications generally from beerhouse-keepers?—Very often. I see our clerk has made this note: "A considerable majority of the applicants were licensed retailers of beer."

5960. Is

5960. Is there any objection on the part of the magistrates to grant a beerhouse-keeper a licence?—No, not because he is a beerhouse-keeper; but these houses are generally ill adapted for the purposes of a public-house.

5961. Is it the case that some of them are constructed purposely with a view to a licence being obtained?—Generally, in our division.

5962. And the people have started as beerhouse-keepers intending to end as licensed victuallers?—That happens sometimes, but not very often; they sometimes build a house as a public-house, and previously to getting a licence, as a licensed victualler, they will use it as a beerhouse.

5963. It would not be anything against a man that he kept a beerhouse?—It would not, in my estimation, nor do I think it would in anybody else's.

5964. It would not be in his favour that he had kept a beerhouse, and conducted himself well?—I think that the latter part of your question would be a recommendation to him, whether as a beerhouse-keeper or any other business.

5965. It should not be to his prejudice that he has kept a beerhouse?—Not at all; I should rather consider him to be the best person, if he had well-conducted a beerhouse, inasmuch as it is a trade similar to a public-house, and that would be so much in his favour.

5966. Is there any canvassing allowed beforehand of the magistrates by persons applying for licences?—I am told some magistrates are canvassed; nobody ever comes near me to canvass me; but people occasionally say to me, "So-and-so is going to keep a public-house; he has a very good character; will you go and look at his house, and take it into consideration?" I say, "Yes, I will."

5967. There is no rule in the Kensington Division that no canvassing should be allowed?—No; I do not know that you could establish such a rule, for there must always be some persons who are acquainted with a magistrate.

5968. It is the fact that persons, besides the actual applicant for the licence, have an interest in the house?—Undoubtedly.

5969. And it does give a very great value to the house having a licence?—Yes, clearly.

5970. Could you state what is, generally speaking, the difference in the value of the house for instance, before and after the licence, in that particular division?—That so much depends on the neighbourhood; part of our district is mural, and part is rural; a house in Sloane-street is worth more than a house in the parish of Willesden; one will not be worth one-fiftieth part of the value of the other.

5971. Sir *J. Pakington.*] One is town, and the other the country?—Yes, one is a small village; a man would not be asked for a bottle of wine probably in three months, where the other would be asked 50 times a day for it, very likely.

5972. *Chairman.*] Now, do you object to granting licences to public-houses, if there are a good many beershops established in a particular place?—No, that would not form a reasonable objection, and parties would say they wanted spirits, and that would give them the means and opportunity of getting spirits.

5973. Does the property in public-houses already existing, ever determine the magistrates in refusing licences, fearing that it may deteriorate that property?—We look to the question of the wants of the neighbourhood.

5974. Would you do anything to protect existing interests?—No, I should not; I should look to the public interests alone. If I thought there was not sufficient accommodation for the public, notwithstanding there might be houses, I should still grant licences, and that, I am sure, would be done by the majority of the magistrates of the Kensington division.

5975. Have you many informations laid against beerhouses in your division?—A great many of them go to the police court of Hammersmith.

5976. Then you have no jurisdiction over beerhouses?—We do not have those before us, because we have no jurisdiction over the beerhouses unless the man happens to be an applicant for a licence, and then they are.

5977. Sir *J. Pakington.*] Why have you no jurisdiction over the beerhouses?—The major part of the offences go to the police court of Hammersmith; under the Act, it is in the Metropolitan division.

5978. *Chairman.*] Is there a stipendiary magistrate at Hammersmith?—Yes; and he would take every parish, with the exception, I think, of Willesden, which is the only parish out of the police court; they are all within the police district, 15 miles of London.

5979. Are you in a position to state what the conduct of the beerhouses is in your

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your division; are you aware whether they occasion more drunkenness, or are in any respect worse conducted than the public-houses?—I cannot describe to you as a magistrate, because I have no informations laid before me; although my property is in Willesden, Acton, and Hammersmith, and I act as magistrate for that part of the country, I reside in London, and have no informations laid before me; but I hear great complaints of the beershops in Willesden and Acton, and I know they have been punished at the police court in several instances.

5979*. Are you speaking of the beerhouse-keepers, or the persons who have got drunk or committed disorders in the beerhouses?—The beerhouse-keepers.

5980. What have been their offences?—Selling on the Sabbath before one o'clock, which is the great offence committed down there, and is very frequent.

5981. That is also an offence committed by the licensed victuallers?—Sometimes; I can tell you the number of convictions there have been for that during the last 10 years. The offences in black against the parish are against weights and measures; the offences in red ink have been offences punished at the police court. I think the greatest part of them are enumerated there; those are all licensed victuallers, and not beerhouses.

Vide Appendix, p. 639.

5982. Are those the whole of the offences for which informations have been laid against them before magistrates?—Yes, for the Kensington division within the last 10 years.

5983. Have you any reason to suppose that there are many offences committed in the licensed victuallers' houses; or do they not come before you?—There is every one there which has been brought before a magistrate, of any sort or kind.

5984. You do not believe there is any neglect on the part of the police; if there are disorders in these houses they are generally brought before the magistrates?—I do not believe there is any neglect at all on the part of the police in the Kensington division.

5985. When you speak of complaints against beerhouses that reach your ears, you refer to reports of neighbours?—I refer to something more than that; I have asked Mr. Beadon and Mr. Paynter their opinions; they have constantly said to me, "You have got a very bad beerhouse close to you, and I fined the keeper 5 *l.*"; and that sort of thing. I could name three or four beerhouse-keepers close by me who have been fined.

5986. Now do you know what that is for generally or what was referred to?—It is generally selling on the Sabbath, and having drunken people in the house previous to one o'clock on the Sabbath; that is the most customary offence that beerhouse-keepers down there commit.

5987. I do not know whether you have heard any of the evidence given before the Committee?—I have heard of nothing but what I looked at the other day; I looked casually over the evidence given the day before yesterday, but not to be able to retain anything.

5988. Have you heard that a man of the name of Pargeter attended here; he keeps the Prince of Wales, in Kensal New Town, near to Kensal Green; do you know that person?—Very well.

5989. I think he has a house for which a licence has been refused?—I am quite aware of Pargeter's case.

5990. Do you know whether he has stated it accurately, in stating that he was refused; that he had a house calculated to accommodate the public; that he was a person of good character; that he had a memorial numerously signed; that he had applied for three years successively; and that some person who had been applying for a shorter time was preferred to him?—There was a division upon the bench, and Mr. Pargeter lost his licence. I thought he was the person who ought to have been the licensed victualler. He is a respectable man; his house is not a very good one. I did not think that Kensal New Town, looking at the state of the town, and the two public-houses there, (for it is not a thoroughfare) ought to have granted to it any licences; but that if we did grant a licence, that Mr. Pargeter was the man to have it. He is a respectable man, and the house, although not a good one, is the best of the three. I have got a memorandum to that effect. I was out-voted. The parish authorities of Chelsea were the parties who took the other person by the hand, and I have heard it whispered that there was great pressure from the parish authorities of Chelsea. I believe they are the people who ought to answer for granting the licence to the man, whose name I forget.

5991. Pargeter stated that his memorial or petition was signed by 170 house-

holders,

holders, and that the person's who succeeded in getting a licence was only signed by 50; "but previously to the licensing day, Mr. France, who was one of the magistrates, paid a visit to the place, but he visited no other house but this"?—Pargeter's?

5992. No, the other man's. This is the passage: "He had a long conference with this man, whose name is Haynes; and after this visit of the magistrate, he told his customers that he was sure of a licence; but this magistrate visited no other house than his." Pargeter was asked whether his house was visited before, and he says, "only once before, and that was the year before last; that was the first visit that had been paid since I had occupied the house?" —Is that Pargeter who said so?

5993. Yes?—He is wrong there; because I paid a visit to him, and I went over his house three or four times.

5994. He goes on to say, "I understand, in short I have witnesses to prove, that Mr. France's brother is the ground landlord of that property which this house stands upon that has got the license." Now, that is Mr. Pageter's statement; do you know anything about it?—I know that Mr. France proposed the licence, and advocated it; I opposed Haynes's licence, and I said I thought if anybody ought to have it, Pargeter ought to have it, because he was an older applicant, and a respectable man, and his house, although not in my opinion good enough for a public-house, still was the best of the applicants.

5995. You do not know any of the particulars of the connexion between Mr. Haynes and Mr. France?—Not the least in the world.

5996. I will not refer further to it than this: he stated that Haynes was holding a lease of the house under Mr. France's brother-in-law?—I did not hear that at the time. I was very much vexed at Haynes having the licence instead of Pargeter.

5997. I think you stated that Mr. France attended on that licensing day?—He did, and proposed that licence.

5998. I think Mr. France is a magistrate acting in Chelsea?—He is a Chelsea magistrate. I know that the parish authorities of Chelsea have for the last two years been making very strenuous efforts to get this house licensed. I invariably said, I thought, if any man was to be licensed, that Pargeter ought to have it.

5999. I believe it is not the custom to assign reasons at the time why licences are granted or withheld?—Not at all; the magistrates usually confer together, and the public are called in, and I, as chairman, announce the fact, whether the licence is granted or not. They are never told who supports it or who opposes it, or anything of the sort.

6000. So that you would not know exactly the reason why Mr. France, or any other magistrate, decided on not granting Mr. Pargeter a licence?—It was Mr. France who urged granting Mr. Haynes a licence.

6001. But I understood from the magistrates not assigning their reasons for granting or withholding, you would not know the particular reason which influenced Mr. France, as regards Mr. Pargeter?—No, unless some magistrate proposes that the licence should be granted, it drops altogether.

6002. Sir *J. Pakington.*] You might or you might not know the reasons which influenced the magistrates; I apprehend that what you meant when you stated that no reasons were assigned was, that no reason is publicly assigned; in your own discussions the reasons are assigned, are they not?—Sometimes, and sometimes not. I certainly heard no reason from Mr. France why Mr. Pargeter's licence should not be granted.

6003. I think you assigned a reason why you thought it ought to be granted?—Yes; I think I have even since gone the length of saying that I thought we must do an act of justice next year, notwithstanding the contiguity of Haynes's house, and grant Pargeter a licence; and that I certainly should do.

6004. How far asunder are the two houses?—Possibly they may be a hundred yards, or something of that sort.

6005. *Chairman.*] Have you any suggestions you would wish to make to the Committee as to any amendment of the law, either in granting licences or obtaining evidence of misconduct?—I would rather take a little time before answering that question, as I have not been in the room before.

6096. We are inquiring into the state of the law, and we should be glad to receive suggestions from a person of your experience?—I shall be happy to attend the next meeting of the Committee, and answer any further questions which may be put to me.

Veneris, 1° *die Julii*, 1853.

MEMBERS PRESENT.

Mr. Villiers.	Lord Ernest Bruce.
Mr. W. Brown.	Sir G. Goodman.
Sir G. Grey.	Sir J. Pakington.
Mr. Barrow.	Lord D. Stuart.
Mr. Sotheron.	Mr. Gregson.

THE RIGHT HON. C. P. VILLIERS, IN THE CHAIR.

The Rev. *John Clay*, called in; and Examined.

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6097. *Chairman.*] ARE you Chaplain in the House of Correction at Preston?—I am.

6098. And have been so for some years?—Thirty-two years next month.

6099. You make an annual report, I believe?—It is my duty to do so, in conformity with the Act of Parliament.

6100. Is that report upon the general moral state of the prisoners?—The general state of the prisoners, the discipline of the prison, and especially the causes which have led to crime.

6101. It has led you into frequent communication with the prisoners?—I am in daily communication with them.

6102. Have you come to any conclusion in consequence of your communication with prisoners as to the influence of drunkenness, as the cause of their crimes, and the effect of the present system of public-houses, as promoting habits of drunkenness?—I have formed very strong conclusions on the subject, which I should be glad to lay before the Committee.

6103. State to the Committee what your conclusions on those subjects are, bearing in mind that we are sitting here to inquire into the present system, with a view of learning whether any amendment could be suggested in the law affecting the licensing of public-houses and other places of public resort or entertainment?—I take for granted the Committee would wish me, in reply to the first part of the question, to state what proportion of crime has been caused by the present, as I conceive, alehouse and beerhouse system, or, at all events, the drunkenness and proneness to intoxication of the labouring classes.

6104. You will keep in view, as much as possible, the connexion between drunkenness and the present licensing system, or the present facilities which beerhouses and public-houses afford them, at present, to get drunk?—Yes, I shall have a difficulty in dissociating in my own mind the prevalent drunkenness of the people and its cause, because it appears to me that the drunkenness is essentially caused by the temptations held out by the beerhouses and very low public-houses; and but for them you would not have one-twentieth part of the drunkenness you now have.

6105. That would be one point; can you give shortly your view of that kind of connexion of the drunkenness which exists, and the temptations afforded by public-houses, as they exist at present?—Perhaps it would be out of the view of the Committee if I were to state, first of all, the proportion, as I arrive at it, of criminals who attribute their offences to drunkenness, or, in other words, to the temptations held out by beerhouses and alehouses.

6106. Just shortly state that?—Every prisoner who comes into the gaol undergoes a kind of examination by me, and the particulars of his case are tabled in a book which I am required to keep for the purpose; a book called the "Prisoners' Character Book;" and in the course of my conversation with a man, I ascertain the general circumstances which have led to his offence; and where a man says, "Well, it happened in a beershop," "Well, it happened at a public-house; I was drunk when it happened," my inquiries of course go a little further. The general result is this, as to cases of criminality directly the effect of drunkenness, or directly the effect of drinking in beerhouses and public-houses, that I find at least 35 per cent. of the crime must be put down to that account.

6107. Make

6107. Make it as clear as possible: is it to the company they meet there, or to having got drunk. You say 35 per cent. of these criminals ascribe their ruin to getting drunk in beerhouses?—They ascribe it to drunkenness, caused by habituation of alehouses and beerhouses.

6108. Sir *G. Grey.*] Are the crimes committed while persons are in a state of drunkenness, or do they attribute their criminal course to the company they meet in these houses, or to the habits of frequenting them?—Thirty-five per cent. attribute their crimes to an act of drunkenness, into which they have been led by the visits to the alehouses or beerhouses.

6109. *Chairman.*] Was it by being encouraged by bad associates to drink, or was it by a house bringing together a great number of people of doubtful character?—My attention has been more directed to the beerhouses in North Lancashire, as I receive an account of them from the prisoners; and it appears to me that the competition among the beerhouse-keepers has been so great, that they have descended lower and lower in pandering to the profligate tendencies of poor human nature.

6110. That is, to attract customers?—Yes; three or four years ago I found incidentally that four-fifths of the beerhouses in Blackburn were also brothels.

6111. You are stating that from ascertained facts?—I received from prisoners the names of upwards of 60; when I say four-fifths, that is too large; but it is a very large proportion. I received the names of 60 beerhouse-keepers in Blackburn who kept from two to six girls. Perhaps you will allow me to refer to what I have taken down in my journal at the time.

6112. State any results with respect to Blackburn; is this an inquiry that you made in consequence of information you received from the prisoners at Preston?—I find, under the date of 3 November 1847, this entry in my journal. This has been corroborated by 14 or 15 other prisoners; rather, I should say, this is one of the early instances of information which called my attention to the fact of these brothel beerhouses; and, following up the hint which I derived from the girl mentioned in this extract, I obtained corroborative information from other sources.

6113. This is information given by one person, and corroborated afterwards upon inquiry?—Yes.

6114. You have reason to know that these facts are correct?—Yes; they are rather understated than overstated.

6115. They tend to show the character of beerhouses in Blackburn?—Yes.

6116. Will you read it?—"Wednesday, 3d November 1847. Another girl committed under a charge of felony, from Blackburn, where she had lived as a prostitute, at the Printer's Arms beershop, with two other girls. She had lived in Manchester with six other girls, who were employed in factories, while she remained in the house to clean it, and cook. Two of these girls of loose character persuaded her to come with them to Blackburn. On the evening of her arrival, on passing the Cotton Tree beershop, the landlord saw her, invited her in, gave her some tea, and took her afterwards to the Printer's Arms. (The two girls had left her on arriving in the town.) She remained there (at the Printer's Arms) a week, and, being unwilling to lend herself to the profligate system of the place, and acting only as servant, the landlady quarrelled with her, but sent her to the Black Boy, kept by her (the landlady's) brother. On the night of her arrival at the Black Boy, she was made drunk, and induced to sleep with a 'gentleman.' After this, she remained a week at the Black Boy with two other girls, and then went back to the Printer's Arms, where, like the other two girls in the same situation, she acted both as servant and prostitute. This unfortunate girl was born in Macclesfield, where she lived with her parents until she left the place for Manchester, about 11 weeks ago." After this fact, and others like it which came to my knowledge, I had a correspondence with the magistrates acting for the division of Blackburn, and efforts were made to diminish this terrible evil, and with some success; but I find 18 months afterwards this note. "Several of these beer-sellers no longer keep 'girls' in their own houses, though, to avoid the penalties for doing so, they multiply the actual mischief by establishing auxiliary brothels immediately behind or adjoining their own premises. The beer-sellers furnish these vile dens; place a man, or perhaps a man and his wife, in charge of them, and maintain them in short, as means for increasing the sale of their liquor. Thus it is that the action and reaction of sin upon sin are suffered and promoted. We have now in the prison two men,

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under sentence of transportation, who had been keepers of these auxiliary brothels, and who were convicted of robbing men who had entered their houses."

6117. This cause led you first to inquire into the state of beerhouses in Blackburn?—Yes.

6118. On inquiry, you found so large a proportion was conducted in much the same manner?—Yes.

6119. Now repeat again the proportion of the beerhouses in Blackburn that you found were conducted in the same way as in this particular case; what was the date of the case of that woman?—My entry is 3d November 1847.

6120. She was committed for some offence?—She was then committed for trial at the sessions.

6121. What for?—On a charge of felony, for a robbery at a beerhouse. The subsequent entry is 14th April 1849, after attempts had been made to put down the direct bad action of the beerhouses.

6122. Was she prosecuted by the person in whose house she was?—By the county; not by the person in whose house she was.

6123. It was not for robbing the man in whose house she was servant?—No, for robbing a man tempted into the beerhouse.

6124. Just state what you found after getting that information and inquiring at Blackburn as to the number of beerhouses conducted in the manner you have described?—After obtaining the statements by various prisoners as to the beerhouses and low public-houses, for I found that the prisoners did not always distinguish between the beerhouses and the very low public-houses; but after obtaining from them as correct a list as I thought they could give me, I communicated with the very intelligent superintendent of the county police of Blackburn, Mr. Edwin Sheppard, whom you can have before you, to ask him if he would be so good as to look over the list given to me, and check it. The information given by Mr. Sheppard, to whom I am indebted for a mass of particulars on this subject and others, authorises me to state, that there were at Blackburn, at the early part of the present year, at least 34 beerhouses and low public-houses which harboured prostitutes, or maintained auxiliary brothels.

6125. Sir *G. Grey.*] Is that at the beginning of this year, 1853?—No, this is the report of 1849. The evil, after having been in some measure suppressed, is rising again.

6126. *Chairman.*] This is the first report after your own information of the character of the houses in Blackburn; you refer to the superintendent, and he tells you there were 34 houses which had these attractions in the houses, or had auxiliary brothels?—Thirty-four beerhouses or low public-houses which harboured prostitutes and maintain brothels. Measures have been taken to abate this monstrous offence, and the war waged against it has led to the suppression of 18 of the pests.

6127. What was the whole number of beerhouses in Blackburn when you made this inquiry?—I have not got it; but at present there are 198 in Blackburn, and 125 public-houses, making a total of 323.

6128. You did not find there were more than 34 of these beerhouses carrying on the trade in the way you described?—Not that were known positively to Mr. Edwin Sheppard, the superintendent.

6129. Did you direct the attention of the superintendent to the facts from the information you had previously acquired, and it was in consequence of your interference that the magistrates attempted to suppress and ascertain the number of them?—No; the number of 34 beerhouses where prostitutes were kept, refers to the year 1849. In 1847, my attention had been attracted to the fact of the brothel beerhouses in Blackburn. It was then I communicated to the magistrates, though Captain Sheppard, having been fully aware of it, had done his very utmost to put it down.

6130. And was unable?—And was unable from an erroneous view of the law on the question. Between 1847 and 1849 measures had been taken to put it down, and with such effect, that the number of brothel beerhouses were reduced to 34.

6131. Have you anything else to state of the public-houses or beerhouses in Blackburn; in consequence of your inquiry were there any other things that you saw reason to complain of?—I have in my hand a written statement made at my request by a prisoner very conversant with the state of Blackburn in this particular, and the statement refers to the condition of the beerhouses in Blackburn in the month of May of the present year.

6132. You

6132. You are now going to mention what the state of the beerhouses in Blackburn is in the year 1853?—Yes; the Committee are aware that I have no other means of ascertaining it.

6133. Have you made inquiry in consequence of receiving this information?—I have made inquiry from other prisoners who came from Blackburn.

6134. You have not referred to the superintendent?—No.

6135. Sir *G. Grey.*] In 1847 you had reason to believe that these beerhouses and low public-houses were conducted in this improper manner?—Yes.

6136. You then made a representation to the magistrates, in consequence of which there was a reduction of the houses?—Yes.

6137. In 1849, you communicated with Captain Sheppard, and then you ascertained that the number of low public-houses and brothel beerhouses was 34?—Yes.

6138. You stated that it was 34, and measures were taken by which 18 were removed from that list?—Yes.

6139. In 1853, what was the numerical state of public-houses and beerhouses so conducted?—I find additional public-houses and beerhouses in Blackburn named by prisoners from that town as keeping or entertaining prostitutes, 26 May 1853; the total number of houses named are 29.

6140. Then there was a reduction of five, as between 1849 and 1853?—Yes; from 34 to 29; but they are perpetually changing their landlords and changing their character.

6141. *Chairman.*] You have not been able to make any inquiry whether that is correct or not; but you have no reason to doubt it?—I have no reason to doubt it; but I have, on the other hand, good reason to be assured of its substantial truth; for instance, one house is named by 13 prisoners.

6142. We have got the fact that so many of these houses are kept as brothels, and this information is derived from 13 prisoners, who were examined separately in Preston gaol?—From 13 at least; there are 13 who named one house.

6143. From several prisoners?—Yes.

6144. They have given you this information, which you have no reason to doubt?—No reason to doubt.

6145. Have you any other information to give with regard to the beerhouses in Blackburn; have you any reason to believe that a greater number are as ill conducted as these 29?—No; I have not reason to believe that a greater number are ill conducted, than the number of 29.

6146. You have stated that, on your interfering before, the magistrates took some steps by which the number was reduced, or the number of 18 was suppressed, or so far altered in their manner of conducting them, that they ceased to be brothels?—For a time.

6147. Can you tell what it was that was done?—Very stringent measures were adopted by Mr. Sheppard, and 5*l.* fines were inflicted as the penalty for finding these girls in the beerhouses, and I may mention incidentally that the beerhouse-keepers clubbed their money in order to pay these fines, and to resist the efforts of the law.

6148. Do you know why the magistrates, or why the superintendent have not proceeded now, as they seem to have done in 1849, and why these 29 exist carrying on this sort of illict trade?—I do not know; I know that the police of Blackburn has undergone a change; Blackburn was under the charge of the county police up to the last two years, or so, but since it became a borough, they have had their own borough police, and they are new hands. Whether they do not do their duty so effectually I do not know, but I should like to speak with great reservation on that point.

6149. Sir *G. Grey.*] What is Mr. Sheppard; is he the superintendent of the county police?—Yes.

6150. Has he any jurisdiction now, as superintendent of the county police, in the borough of Blackburn?—No.

6151. Who has now the superintendence of the police in that borough?—I cannot call to mind.

6152. Have you communicated with the present superintendent of the borough police in Blackburn, as to the existence of these houses, with a view to induce him to take the same measures previously taken by Captain Sheppard, for their suppression?—I have not.

6153. *Chairman.*] What was it that led you to communicate with the superintendent,

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intendent, Captain Sheppard, was it part of your duty to do it as chaplain to the Preston House of Correction?—I look upon it, that my duties are of a comprehensive character wherever I can do good, by getting at the root of crime.

6154. You are not bound to make reports to any division of magistrates as to the state of the Preston gaol?—I think the spirit of what I am required to do would demand that I should do so.

6155. You are not bound to communicate the information that you receive at Preston with respect to any other place, to the magistrates of that place?—The Preston Gaol, is the gaol for the northern division of Lancashire, so that whatever may be told to me by prisoners in gaol may be known to the district justices of Blackburn.

6156. Sir *G. Grey.*] As chaplain of the gaol, are you not bound to make a report to the visiting justices?—Yes.

6157. The visiting justices belong to that part of the county to which you refer?—Yes.

6158. *Chairman.*] Do the visiting justices to whom you make your report, have jurisdiction over towns that are incorporated?—In 1849, Blackburn was not a corporate borough.

6159. Although you might not be bound to make a report to the visiting justices of the county, are you bound to report to the borough magistrates of Blackburn what you learn from any of the prisoners in Preston Gaol?—I do not consider myself bound to do it, but I should consider myself wanting in my duty if I forbore to do so.

6160. Sir *G. Grey.*] Since Blackburn has been a borough, do Blackburn prisoners come to Preston Gaol?—Yes.

6161. Mr. *Sotheron.*] Do you not make a report to the quarter sessions every quarter of a year?—Once a year; my journal is a quarterly report; I am bound to make an annual report to the October sessions.

6162. Does not your journal present your view of the different cases in each quarter, and is that not presented to the quarter sessions?—It is, but not often read.

6163. Mr. *W. Brown.*] Are you aware whether any of the borough magistrates of Blackburn are county magistrates?—There must be some who are county magistrates; Mr. William Henry Hornby is one.

6164. Sir *G. Grey.*] Have these facts which you have stated with regard to Blackburn been brought under the notice of the magistrates exercising jurisdiction in that borough, before or since it was a municipal borough?—Before it was a municipal borough, decidedly.

6165. Mr. *Barrow.*] The municipal justices at Preston are neighbouring justices; you do not get many visitors from other parts of the county?—They come from a circuit of nine or ten miles.

6166. Will the ordinary district make the Blackburn justices aware of these facts?—I believe they were quite aware of them, independent of any statement I could make.

6167. Have you any means of knowing whether the proportion of crime at Blackburn was larger than from other towns of the same population in North Lancashire?—I have a statement connected with that; the proportion of that crime which is brought to the sessions is smaller, rather, from Blackburn than from Preston.

6168. *Chairman.*] The proportion of crime generally?—No, the crime brought to the sessions, criminals committed for trial at the sessions.

6169. For all crimes for which the sessions have jurisdiction are fewer in proportion from Blackburn than from Preston or any other town?—No, not any other town, only comparing it with Preston; but the summary committals from Blackburn, as compared with those of Preston; I now speak of committals for disorder and drunkenness, and the minor offences which are disposed of by magistrates in petty sessions; offences of that character in Blackburn, as compared with Preston, are in the proportion of two to one.

6170. That is nothing to do with drunkenness or with the beerhouses or public-houses?—It appears to me that the summary convictions are essentially connected with the beerhouses and public-houses.

6171. Mr. *Barrow.*] As far as your knowledge goes, are the public-houses and beerhouses in Preston better conducted than in Blackburn?—Yes; there are

some

some points which I should wish to be allowed to bring before the Committee on that very matter.

6172. Sir *G. Grey.*] Is Preston under the county police, the head of which is Mr. Sheppard?—Preston is under the borouhg police.

6173. *Chairman.*] It is a corporate town?—Yes.

6174. How long has it been so?—From the time of King John.

6175. State in what way the magistrates or authorities in Preston deal with these beerhouses differently to the manner they deal with them in Blackburn?—The police at Preston believe themselves authorised by the Act of Parliament to forbid a prostitute sitting down in a beerhouse. At Blackburn they were by no means so stringent; and just upon that different view of the matter the respective characters of the beerhouses have arisen.

6176. Sir *G. Grey.*] Do you mean that the police, taking a different view of the law, lay informations in Preston for conduct of the keepers of these beerhouses, for which informations are not laid in Blackburn?—I must correct myself there; the police of Blackburn laid the informations, but the magistrates did not take that view of the law.

6177. Then it is not the police but the magistrates of the two boroughs who took different views of the law?—It was so, and I believe is so still.

6178. *Chairman.*] Now what is the result of this different view taken of the law by the magistrates respectively of Preston and Blackburn?—The result is this, that while there are now 29 brothel beerhouses in Blackburn, I can only obtain the names of about three or four in Preston.

6179. How came there to be any in Preston?—I do not know; they are not with the knowledge of the police. The police, I believe, are on the *qui vive* to suppress those, if they can; but I was about to bring to the attention of the Committee another fact connected with these things, if I may so express it, in Blackburn. The low licensed houses and beerhouses act directly as encouragers of profligacy. It appears in Preston they have a system of taps, which does not appear to be so common in Blackburn; a public-house, in itself of a comparatively respectable character, has within 50 yards of it, upon its back premises a tap, and it is that tap which does the mischief in Preston which the beershop does in Blackburn.

6180. Are not these premises included in the licence?—They are, as I conceive, very erroneously.

6181. Can they sell spirits, and anything for which they receive a licence for the better part of the house?—Yes.

6182. These are back premises, where bad characters congregate?—Yes.

6183. Sir *G. Grey.*] Do they form part of the public-house or beerhouse?—They are by a legal fiction a part, but I know instances where a taproom, or building called a tap, is separated by some yards from the public-house itself.

6184. *Chairman.*] What are the consequences of these taps?—These taps are established, I believe, for the express purpose of obtaining custom from the criminal and profligate; and the keeper of a respectable public-house will, with this view, establish a tap if he can, in a neighbourhood surrounded by common brothels.

6185. Then they harbour bad characters, thieves, and prostitutes in these taps?—Yes.

6186. You say that you are aware at Preston that it is against the tenor of the licence, and in some cases the police interfere, and the magistrates apply the law?—Yes.

6187. Then where these cases exist still, it is where the police have not been vigilant enough, or where it has not been brought under the attention of the magistrates?—I can hardly say; I should say this, that the police are vigilant with respect to preventing prostitutes harbouring in these taps. Within the last week I made it my business to go round to a certain number of these taps with the policemen; I saw they were established in the lowest and vilest neighbourhoods: there are no chairs, and no forms, and nothing of that kind in the taps, in order that the letter of the law may be fulfilled, and that the prostitute, if she goes there, may not be accommodated, or may not be harboured, and may not sit down or remain there; but, nevertheless, they congregate there standing, and robberies frequently take place.

6188. What we wish to know is, whether the magistrates have any knowledge of these violations and evasions of the law, and whether they would object to

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deal with them according to law. As I understand you, at Preston they do not interfere?—My impression is, they go as far to suppress the mischief done at these taps as the law will possibly sanction.

6189. The law forbids the harbouring notoriously bad characters; is that the view taken by the magistrates at Preston, that if they do not sit down, or are not accommodated with a bench, that it is not harbouring bad characters?—It seems to be so.

6190. Are you stating these facts with a view to the amendment of the law in certain particulars?—Yes, with regard to the taps.

6191. You would have the law amended as regards the taps?—Yes.

6192. Sir *G. Grey.*] How does the tap differ, as regards the law, from any room in the public-house; the tap must be included in the premises licensed?—It seems to be nominally included, but there is an actual and effectual separation of the tap.

6193. Is not the tap subject to all the provisions of the law respecting public-houses and beerhouses?—Yes, certainly.

6194. The police have the same power of entering the tap as of entering any other part of the premises?—I believe so.

6195. And any disorderly conduct suffered to take place in the tap would subject the keeper of the house to the same penalties, on conviction, as disorderly conduct in any other part of the premises?—Yes.

6196. Then what is the peculiar mischief of the tap as distinguished from any other room on the premises?—It seems to me, that the tap being placed in low profligate neighbourhoods, that the owner of the tap will permit conduct to go on there, and will permit the ingress of characters that he would not suffer in his more respectably conducted public-house.

6197. The tap is in the same neighbourhood as the public-house with which it is connected; can a tap be put in a neighbourhood quite distinct and apart from the house?—Yes; I have in my mind now a public-house, nominally of a respectable character, called the Grey Horse, in Preston; it is in our principal street, Church-street. When I have passed the Grey Horse about two or three yards, I turned down a narrow passage called Turk's Head Yard; it is inhabited chiefly by prostitutes, and in that Turk's Head Yard there is the Grey Horse tap.

6198. How far is that from the Grey Horse itself?—If it were measured in a right line, I should think from the walls of the respective rooms it must be from 10 to 15 yards.

6199. Are there any other buildings intervening between the two?—My impression at the moment is, that the Grey Horse public-house has added to its premises a spirit-shop with large plate-glass windows, and that spirit-shop forms the corner of the main street and the passage.

6200. *Chairman.*] Do you know if the magistrates view the premises of any applicant for a licence before they grant it?—My impression is, that they do not view them personally.

6201. You do not know anything of their practice; if they knew that these premises were opened after they granted the licence, would they object to renew the licence?—I have no doubt they would.

6202. Is it the practice to open these taps after they have got the licence for other premises?—I do not know; I am unable to speak to that.

6203. As far as you know, they get a licence for a house calculated to be conducted respectably, with a tap adjoining?—It appears to me, but I do not speak with the certainty I should like to speak with, that the licence is first of all obtained for the public-house, which is well and respectably conducted, and when that licence is obtained, then the tap is opened. I am quite sure, from what I know of the proceedings of the magistrates of Preston, that they would not license any public-house if they knew previously that a tap such as I have mentioned would be attached to it, and be given to such purposes as I have stated.

6204. As you know these licenses are renewed annually, and if the police give information to the magistrates on the licensing day that a tap had opened after the licence had been granted, do you think the renewal of the licence would be refused?—I think it would be refused.

6205. Do you know anything about it; do you know what is the practice of the magistrates?—Yes; I have attended on the licensing days frequently.

6206. Have

6206. Have you ever heard the police give information on a tap being opened after the licence was granted?—Not exactly so.

6207. What do the magistrates do when the police tell them that a tap has been opened?—I cannot recall any specific case with reference to the taps. I can only recall to mind that the police have complained of the improper mode in which a house has been conducted, and the licence has been refused or suspended, as the case might seem to require.

6208. You do not know any of the particulars of those cases?—With reference to the taps I do not.

6209. And that is what you are speaking about?—Yes.

6210. Sir *G. Grey.*] Is that confined to public-houses, or does it extend to beerhouses?—It seems confined to the public-houses.

6211. Mr. *Barrow.*] Would not the tap be one of the outhouses belonging to the premise of the public-house?—They appear to me to be more in the way of outhouses.

6212. The stables of the Grey Horse would run down by the side of this lane you mentioned, or one of them would project into the lane, which would be used as a taproom?—Yes.

6213. Do not the better class of houses have rooms which they call taprooms, for the accommodation of the ostlers and people about their premises?—Yes, I am aware of that.

6214. Are those the rooms to which you are applying your observations?—No; they are rooms which are devoted to the purposes I have mentioned, and going round, as I did to these taps, at noon-day, I found most of them locked; we could scarcely obtain ingress into any of them; they are opened at night only.

6215. Mr. *Sotheron.*] Do I understand you to say that the houses that have the character of respectable houses in Preston opened these disreputable taps adjoining to them?—In several instances houses which are nominally respectable public-houses have these disreputable taps attached to them.

6216. *Chairman.*] You have made some representation to the magistrates on this subject yourself?—Not at Preston.

6217. You have taken a great interest in this matter, and are anxious to have these houses better regulated; these taps you have observed for some years past to be connected with the public-houses; what steps have you taken to have them suppressed?—I have only been alive to the facts I have been mentioning to the Committee with regard to the taps, within the last month or two.

6218. You do not know that the law is not sufficient to prevent these taps being opened; and you do not know whether the magistrates object to them or not?—I am quite sure that the magistrates would object to them, if the evil could be brought distinctly before them, and from a conversation I had yesterday with an experienced magistrate at Oldham.

6219. Sir *G. Grey.*] What difficulty is there in bringing these facts distinctly under the notice of the magistrates?—The difficulty seems to be with the magistrates themselves; the different views that different magistrates take of the law. One magistrate will suppose that the single licence covers the tap, and another, such a gentleman as I was about to mention, Mr. Mills, of the neighbourhood of Oldham, requires that there should be two licences.

6220. What difficulty is there in bringing before the magistrates facts such as these that you have stated, namely, that there are public-houses in Preston apparently respectable, which have premises in their immediate neighbourhood where they allow disorderly conduct?—There is no difficulty in bringing the facts before the magistrates; but the difficulty seems to be connected more with the timidity of the magistrates in acting upon what they suppose to be the law; they believe that they have not the power to put them down.

6221. *Chairman.*] Are they afraid of offending parties in the town?—I do not think they are afraid of offending parties.

6222. Who do these houses belong to generally; do they belong to persons who keep them?—I do not know much about that.

6223. Do they belong to brewers or respectable people in the town, who let them to persons who occupy them?—In several cases they belong to wealthy people in the town.

6224. Mr. *Sotheron.*] Do I understand you to say that there is any particular difference in dealing with disorderly conduct in houses which have these taps adjoining, compared with the difficulty that might be found generally in bringing

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home a case of disorderly conduct against any public-house?—No, I do not think there is any difference, it is a general question of disorderly conduct; and information may be lodged against public-houses for allowing disorderly conduct in the taproom.

6225. Sir *G. Grey.*] Would not the magistrates hold that disorderly conduct in one of the taps renders the keeper of the house as liable to a conviction as on any other part of the premises?—Yes.

6226. Mr. *Sotheron.*] Then explain the difference which I understood you to draw between a house which had a tap and a house which had not a tap?—I did not intend to draw any distinction; some of the public-houses have no taps.

6227. Mr. *Barrow.*] Did I understand that the difference you drew with respect to the magistrates' conduct to be this, that the magistrates are not unwilling to convict in a case for harbouring disorderly parties in a room, but that they are where there is no room, and they take their liquor standing?—They do not think they have the power.

6228. They do not convict under the same clause they would convict where the parties are accommodated with the means of sitting and remaining together, and they decline to convict when the supply of liquor is given standing?—The practice seems gradually to have acquired that condition.

6229. *Chairman.*] This timidity or disinclination on the part of the magistrates to put down these houses, you think, leads to the encouragement of drunkenness and the congregation of bad characters?—I beg pardon if I have been understood to say that; I see no disinclination on the part of the magistrates to put down this; I am satisfied in general there is a great inclination, but they are anxious to act only so far as the law will permit them.

6230. You complain of the state of the law, then, which admits houses to carry on their business in a way that encourages drunkenness and bad characters to congregate together?—Yes.

6231. And you say there is an uncertainty in the law which makes the magistrates timid in Preston?—Yes.

6232. Can you state anything about the interests of people in keeping up these houses in Preston; are there some persons who think that public-houses ought to be encouraged, having a good deal of property in them, and some people who take a different view, who are wishing to encourage temperance and anxious to suppress these houses?—I have not come into contact with persons who advocate the existence of all houses or beerhouses, or who speak of them as a necessary thing for the public; I do come in contact every day with our chief manufacturers and others, who complain extremely of the mischief caused by them.

6233. Are public-houses and beerhouses on the increase in Preston?—I do not think they are on the increase.

6234. But you do not know?—No.

6235. Whether they are or not?—I do not know.

6236. Are you in the habit of attending on licensing days?—Yes, I have attended the three or four last years.

6237. Are a great number of licences applied for, and a great number refused?—A great number of public-house licences are applied for; the borough magistrates refuse a large portion, and an appeal is then carried to the quarter sessions, and there the licence is obtained.

6238. You do not state that as invariably the case, that when the borough magis trate refuse the licence it is granted at the quarter sessions?—Generally it is.

6239. Are appeals generally taken to the quarter sessions?—A large portion of the applications which are refused at the licensing day by the borough magistrates, are carried by appeal to the quarter sessions, and there the licences are obtained; I am speaking generally.

6240. The magistrates knowing that, still refuse a great many of these licences?—Yes, they still refuse a certain number.

6241. Then you would be led to conclude that there was a great increase of these public-houses in Preston?—There is an increase, no doubt of it, but I should not think a great increase.

6242. Do you know anything about the population; do you know what the population of Preston is?—Yes.

6243. That

6243. That has been rapidly increasing of late years; is it 70,000?—Yes.

6244. You do not know whether the public-houses have increased, or are they in proportion only to the population?—I do not know.

6245. Sir *G. Grey.*] You have been more than 30 years at Preston?—Thirty-two.

6246. Have the habits of the people as to drunkenness improved or deteriorated during that time, making allowance for the increase of the population?—It appears to me that drunkenness is more concentrated. The more intelligent classes are finding out that liquor is not merely unnecessary, but injurious; but the lower classes, the very ignorant, seem to be more prone to drunkenness.

6247. Do you mean by "concentrated" that it is confined to a smaller class, and within that smaller class there is more drunkenness?—That is my impression.

6248. *Chairman.*] Just state to the Committee what evidence you have of that; we wish to know whether you are stating this thing from data you have obtained; you state that amongst the lowest class drunkenness is increasing?—I can give you evidence of that.

6249. If you can give the proportion of cases in former years, that would instruct us on the matter?—I have here a memorandum similar to the one on the paper before you. In the years 1847 and 1848, North Lancashire suffered very much from the depression of its manufactures, and within those two years the summary of committals to the Preston House of Correction, was respectively 650 and 911.

6250. Are you speaking of Preston?—I am speaking of the northern division of Lancashire, which includes Preston.

6251. You have stated that drunkenness has increased in Preston; we want to know on what ground you have come to that important conclusion?—I come to the conclusion, from the increase in the summary of committals to the House of Correction from the town of Preston.

6252. For drunkenness?—Yes; that increase in the summary of committals for drunkenness and disorder is not confined to Preston; it is evident with regard to the whole of the northern division; and if you wish me to give you the result of that increase of summary of committals, from 1847 and 1848 up to the present time, as including Preston, I could do it.

6253. Sir *G. Grey.*] I understood you to say that the number of persons who get drunk in Preston has diminished; that the class is more restricted within which drunkenness takes place?—My impression is that drunkenness, as a vice, has diminished; that the more intelligent classes resort less to drink than they formerly did; but excessive drunkenness has become more concentrated in the more ignorant class of the population.

6254. How is that borne out by the increase in the number of commitments for drunkenness in Preston?—Because those better classes never indulge themselves so far as to make themselves amenable to the law; but the labouring class cannot get drunk without committing some outrage.

6255. *Chairman.*] Are the cases in which the lower classes get drunk and commit outrages on the increase, or not, at Preston?—It is evident in the prison there is a decided increase.

6256. Of that you can give an official return?—I cannot at this moment; I can afterwards.

6257. From the official documents you have examined, can you state to the Committee that the number of committals for drunkenness in Preston has increased?—I state that decidedly, and without any reservation at all.

6258. And you can furnish that information to the Committee?—Yes.

6259. Will you state what you ascribe this to; can you trace this great increase of drunkenness to the beerhouses which have been opened within the last 20 years?—I ascribe it in a great measure to the indulgence in drink. In the years 1847 and 1848, a labouring man had not money to spend in drink. In 1851 and 1852, since the times have become better, he has more to spend, and he spends it.

6260. You ascribe it to persons having better wages and more employment now, and not to the increase of beerhouses?—Yes, I think so; because I am not aware of an increase in beerhouses; I could obtain the information if you wish.

6261. Is this an observation that you have made before, that when the working

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classes in Preston are in a better condition, that they generally spend their money in drink?—I have had too frequent occasion to make it.

6262. And you have observed this in former years; during the 30 years' experience you have had of that town, you have made the same observation?—Yes.

6263. Then you have no reason to suppose there is any great change of habits among the people of Preston, that it is not from any permanent cause if there is, and that it is just the state of their finances at present that enables them to get drunk?—This cause certainly operates more and more. The inducements for the labouring man to resort to the beerhouses and public-houses are becoming greater from year to year.

6264. You say their disposition is greater to go there, and their means of paying for it are greater, therefore we should have thought there was less reason for the publican or beerhouse-keeper to resort to peculiar means of attracting them?—Such is the fact.

6265. You knew Preston before the Beerhouse Act came into operation?—Yes.

6266. Do you think there was any difficulty in getting drunk then, if a person was inclined?—I remember very distinctly the effect which the anticipated opening of the beerhouses had on the labouring classes; their expectation that they would be able to get drunk much more frequently and much more cheaply; I cannot supply you with any statistics on the matter, but I have a distinct recollection of the general expectation which the labouring classes had.

6267. You perhaps have a distinct recollection of the habits of the people, say between 20 or 30 years ago, and you have known them since; do you think their habits were more peaceful or less drunken during those years before the Beer Act came into operation than since?—The absolute increase of drunkenness, as evinced by committals to the gaol, has been very great since the Beer Act has been in operation.

6268. I was asking you about the habits of the people; have you any reason to suppose they have deteriorated during the last 20 years, as compared or contrasted with that previous period with which you are acquainted?—I cannot say that they have; I have not a clear impression that they have deteriorated.

6269. Have you an impression that they have improved?—I am quite sure that they have not improved.

6270. Are there not a great number of sports which used to exist there of a very brutal kind, which have almost ceased?—I have known Preston since the year 1819, and I never knew brutal sports there; it was said that bull-baiting, and so forth, existed there.

6271. And cock-fighting?—And cock-fighting; I never saw it; but I believe it did exist there.

6272. It does not know?—No.

6273. And their manner of fighting among themselves is less brutal than it used to be?—Cock-fighting exists in the beerhouses; we have prisoners committed under the new Act intended for the suppression of cock-fighting. We have prisoners now under sentence for cock-fighting in beerhouses.

6274. Cock-fighting takes place in other places besides the beerhouses?—I do not know that it does.

6275. Do you mean that the beerhouse-keepers supply the cocks for fighting?—It is one of the inducements, out of many, that the beerhouse-keepers resort to, to attract custom; cock-fighting, dog-fighting, and badger-baiting.

6276. Which all used to exist before the beerhouses were established?—I do not know that it did; I only know that the beerhouse-keepers now resort to it.

6277. Have you any doubt that these were very common sports at Preston?—In former times I believe they were.

6278. Before the Beer Act came into operation?—Yes.

6279. They must have been in some place, either a public-house or some other place?—They were in the Preston Cockpit. I recollect persons being present at these cock-fights, who are the highest in the land now.

6280. Do you mean that now the beerhouses encourage cock-fighting?—I do so, most distinctly.

6281. The upper classes used to encourage it at one time, now the beerhouses do?—That is precisely the fact.

6282. Sir

6282. Sir *G. Grey.*] What has been the increase of population during that 20 years in Preston?—From about 36,000 to 70,000.

6283. The population has nearly doubled during that period?—It has.

6284. Has there been an improvement in the police during that period in Preston?—Very great.

6285. Has there been also an alteration in the law with respect to summary convictions?—I believe the magistrates have much more extensive powers with regard to summary convictions than they had.

6286. Do you not think those three circumstances taken together will account for an increase in the number of commitments, without, leading to the inference that the habits of the people have become more intemperate?—I am not prepared to assent to that.

6287. Do you take the increase in the number of commitments as an absolute test of the habits of the people, without taking into account other circumstances, such as increase in the population and improvement in the police, and greater vigilance on their part, and an alteration of the law?—I generally have taken all these things into consideration; and I must admit that the committals to gaol have diminished very greatly indeed in the more serious cases which are made the subject of trial at the sessions.

6288. *Chairman.*] Crime generally has decreased?—All the more serious cases of crime have decreased, but disorder, and a general spirit of disorder, has increased very much.

6289. Have you any remedy or amendment of the law to suggest to the Committee, in consequence of this connexion which you consider to exist between the beerhouses and the state of disorder in Preston and other places with which you are familiar, in order either to limit their number, or to regulate them better?—I am afraid the Committee would hardly be prepared to hear from me that I recommend a total abolition of the beerhouses which allow the beer to be drunk on the premises. I cannot see any necessity for keeping open the houses of that kind, while for every purpose of refreshment and business, there is the ordinary public-house; and for the purpose of the working man, who wishes to take beer home for his dinner or supper, there are the other beerhouses where the liquor is sold, but not to be drunk on the premises.

6290. You are now speaking of the beerhouses?—Yes.

6291. You would leave the public-house as it is; you would suppress the beerhouses where the liquor is drunk on the premises; is that what you say?—In the first instance; I do not mean to say I would leave the public-houses untouched.

6292. That is your remedy, and you think it would be sufficient with regard to the beerhouses?—I think it would.

6293. What would you suggest as to the licensed victuallers, or the public-houses?—I would make them close every evening at an earlier hour. And especially on Saturday night I would have them close earlier than any other night; I would have them close at 10 o'clock on Saturday night.

6294. You think they do more mischief on Saturday night than any other nights?—I am satisfied they do; and I think it would be a great boon to the labouring classes generally if they were to close earlier on Saturday night. Wages are now generally paid on the Friday, or at a very early hour on Saturday, so as to leave no apology for continuing in the public-house after nine or ten o'clock at night.

6295. When should they open again?—Not before nine or ten on Monday morning.

6296. You would keep them closed on Sunday?—Yes.

6297. Every public-house, or would you make any distinction?—With certain reservations in favour of the real traveller.

9298. What house should supply him, or would you distinguish what house should be kept open for such a person, and kept open to others who might pretend to be travellers?—A traveller is one who, being on his journey, will require a dinner, or meal, or bed, and therefore the licensed victualler's house must be the one he should go to.

6299. Would it not be possible to practice an evasion of the law in that respect?—I fear an evasion of the law would take place, but an effort should be made to put the thing on a right footing.

6300. Do you think that it is practicable to close the public-houses as well

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as the beerhouses during the whole of the Sabbath; admitting it is advantageous, would it be tolerated?—I think it would be practicable, if the magistrates and police were in earnest.

6301. What is the state of opinion in a place like Preston; would it be supported generally as an improvement?—I think it would.

6302. You think all the what are called decent and respectable people would be for it?—Yes.

6303. Would there be any portion of the working classes who would desire to have the houses closed the whole of Sunday?—I am quite sure that almost all the labouring classes, when they are sober, and have the use of their reason, would wish it.

6304. Do you know anything of the opinion of the wives of these men, whether they would be glad to see these houses closed?—They would be more glad than any other portion of the community.

6305. You are speaking from some kind of personal experience, and communicating with the working classes and their wives?—Yes.

6306. Do you think if such a proposition was made, supposing it were only a municipal regulation, there would not be any active resistance to it in the town?—I do not think there would.

6307. Do you think none but the lowest characters would wish to have the public-house opened on Sunday?—Excepting those who derive pecuniary advantage, and those who would otherwise frequent the houses.

6308. You think the greatest amount of drunkenness takes place on the Sabbath?—I believe it does on the Saturday night and the Sunday morning; it is the habit of our working men to spend too large a portion of their weekly earnings at one sitting, on the Saturday night and Sunday morning.

6309. Are there any causes in operation now in Preston from which you could expect any improvement in the habits of the people short of closing the public-houses; is there more religious teaching, and more religious feeling, and more education?—There are very great efforts made to spread religious teaching and education; but on the other hand, the facilities for keeping the labouring man down in the public-houses and the beerhouses, counteract all those advantages.

6310. You think these other causes are not sufficient without the interference of the law?—I do not think they are. I believe the progress of society generally, from the efforts made to educate and instruct, would have been immensely great, but for the dead-weight and the great obstacles put in the way by the drinking customs of the lower classes of the country.

6311. I believe there has been a change in the habits of those above the lowest class which has had a useful influence at Preston?—That is what I have been endeavouring to express to the Committee.

6312. The wealthy and respectable people, such as manufacturers, shopkeepers, merchants, and others, have become much less drunken than they were?—Yes.

6313. That has a very useful effect, in the way of example, on the working classes?—It is gradually having a useful effect, but it comes into operation slowly. I should be glad when an employer will have the sense to avoid saying to his workmen, "Get this job done, and then there is a barrel of ale for you;" but so long as the reward of liquor is held out as a stimulus to exertion, the employer does mischief. If he would say, "Get this done and you shall have so much money to take home to your wives and families," the effect would be good.

6314. Mr. *Sotheron.*] Do I understand you to say, that the labourers in Preston and that neighbourhood get drunk on a Saturday night and Sunday morning?—Yes.

6315. Whether the reward is given in beer, or given in money, which they would go and spend in those houses, is it not much the same thing?—The question was this; had not the upper class exercised a beneficial influence with regard to drunkenness on the lower classes; my reply was, they had to a certain extent, but I should be glad if they would do it to a still further extent, to avoid saying what I have instanced. I should like the employer to have the sense and good feeling to avoid saying to the workmen when there is occasion for great exertion to get a job done, "Get this job done, I will give you a barrel of ale;" that is the common reward held out, or has been.

6316. Sir *G. Grey.*] Are there any temperance societies in Preston?—I believe Preston was one of the first places to originate temperance societies.

6317. Are

6317. Are the members of that society numerous?—Very numerous.

6318. Among the working classes?—Very numerous.

6319. Mr. *Sotheron*.] You suggest that the houses should be shut at an earlier period on the Saturday night?—Earlier on the Saturday night than any other night in the week.

6320. Would there not always be reason to apprehend that unless the habits of the people were improved, they would still find some means or other of spending their money in liquor, even although by law the houses might not be allowed to be opened?—No, I do not think they would. I may in the course of my evidence allude to the petition which I have here, but it will come in reply to your question. I may say this, that a great portion of the labouring classes would be very glad if there were circumstances quite external to themselves which should prevent them having access to liquor, and that feeling is evinced almost every week, by some prisoner or other who comes under my observation for an offence arising from drunkenness, and who says "I wish beer was 10*s*. a quart."

6321. *Chairman*.] With the present habits of the people would they not find access to drink, although the beerhouse and public-houses were closed?—I rather hope my reply bore on the question, I do not think they would; when a labouring man sees a door fastened, he would be content to go away; he is such a mere child.

6322. You are acquainted with the fact that there are a great number of houses in Lancashire and Preston which sell beer without a licence?—The hush-shops.

6323. Closing all these houses, subject to the regulation of the police and the visitation of the magistrates, would it not drive the people having the habits which you describe, into these hush-houses?—There would be a great tendency to be driven into the hush-shops, no doubt; but at the same time there are many men, who having the door of a beershop locked against them, would turn round and say "I am glad of it," and go away.

6324. Mr. *Sotheron*.] Do you not draw this inference from what has been stated to you by prisoners?—Yes.

6325. Is it not a very reasonable thing that a man smarting under the consequences of going into these beerhouses, might say, "I wish with all my heart they had never been opened"?—No doubt; and it is that which renders his evidence valuable.

6326. Would he have the same feeling if he had not been pulled up for it?—I do not think he would have the same feeling if he had not been pulled up; but after he has been, he would be glad to find there were obstacles to the indulgence of his tendencies.

6327. Sir *J. Pakington*.] The feeling after he has been pulled up is to find a juster feeling than the one he entertained during the excitement of his career?—No doubt; I may say this, with regard to the habits, that prisoners, after their discharge, if they only keep sober, keep out of prison.

6328. Mr. *W. Brown*.] Supposing they are paid in money instead of beer, have not the wives sufficient influence to get that money?—Yes, no doubt of it.

6329. Mr. *Sotheron*.] As to those from whom you draw these inferences, can you at all in the rough give us any notion how many have been committed a second or third time for the same offence?—Not at this moment; I can state this to the Committee, that with scarcely an exception, all those prisoners who are recommitted, who come into the prison a second, or third, or fourth, or more times, come in through drunkenness.

6330. Now, of those committed through drunkenness, do you mean as to the most part, you have them making use of this observation which you have given to us, "We are very sorry that the public-houses are not closed, and then we should have been kept out of mischief"?—It will be an answer to your question, that I have among my papers here, remedies suggested by prisoners themselves; and that is one very distinct remedy which they do suggest, that the public-houses and beerhouses should be closed earlier on the Saturday night.

6331. Are those prisoners who suggest this remedy, for the most part, committed the second or third time, or more often, for disorders arising from drunkenness?—Of all classes, I should say, nineteen-twentieths of the prisoners are prisoners directly or indirectly through drunkenness.

6332. *Chairman*.] Drinking spirits, or drinking beer?—Beer is the favourite liquor in our part of Lancashire.

6333. Lord *D. Stuart*.] Most of the drunkenness arising in Preston takes place on Saturday night or Sunday morning?—Yes.

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6334. Are not the public-houses closed in Preston on Sunday morning?—They should be closed. That drunkenness on the Sunday takes place chiefly in the beerhouses, where there are concealed rooms or premises at the back, where the drunkards are harboured out of sight of the police.

6335. *Chairman.*] Do you know that?—I am assured of it by prisoners; the houses have been distinctly pointed out to me.

6336. Lord *D. Stuart.*] Are those the hush-houses?—No; the ordinary beerhouses.

6337. *Chairman.*] The beerhouse must be closed alike with the public-house?—Yes.

6338. But prisoners have told you when they have got drunk on the Sunday, it has been in the beerhouse, and not in the public-house?—They tell me that the Sunday drinking, in almost all cases, I will not say in all, takes place in the beerhouses, in the rooms where the police cannot easily obtain information of what is going on.

6339. From not having the right to enter?—I do not know whether from not having the right to enter; I fancied they had the right to enter on the Sunday, if they have positive knowledge that drinking is going on.

6340. If they have reasonable cause to suspect that there is Sunday trading, they have a right to enter?—Yes; but I am not familiar with the law.

6341. If that was the law, you could not suggest any amendment?—I should suggest, at all events, that the public-houses and beerhouses should be closed entirely on the Sunday, and that the exertions of the police, and all those interested, should be greater than they are.

6342. You have a clear understanding of what the law is now, that the beerhouse must be closed, and that if drunkenness takes place on the Sunday, it takes place notwithstanding the beerhouse is closed, by persons breaking the law?—Yes.

6343. And the police not interfering?—Yes.

6344. Although they have the right to do so?—Yes.

6345. Mr. *W. Brown.*] Would you give the police the power of entering these houses, and turning these parties out?—It is most desirable they should have that power; and far greater powers are required for the police with regard to beerhouses.

6346. You are aware it has been stated here, that unless the beerhouse-keeper and public-house keeper give information of some disorderly conduct in his house, the officer will not enter that house unless the landlord gives the parties in charge; he would not think he has the right unless there is an offence committed that will enable him to make the party a prisoner?—I was not aware of the fact.

6347. *Chairman.*] Have you any other remedy to prevent drunkenness in the district with which you are acquainted?—Low public-houses and beerhouses are kept by a certain class of persons in Staffordshire and elsewhere, who ought not to be allowed to keep them; I think they are frequently persons having a kind of sub-control over working people, and in the Staffordshire collieries they are called butties.

6348. You would disqualify such persons?—Yes, I would disqualify the overlookers in our cotton-mills: in fact, I would disqualify any person who had control over the workpeople.

6349. You would not allow such persons to have any property in beerhouses or public-houses?—I would not allow them to keep or open public-houses or beerhouses.

6350. Do you distinguish between the keeper of a house, or person who has property in the house?—I would disqualify both the keeper and the owner.

6351. An overlooker in a cotton-mill might own a public-house or beerhouse, although he should not appear to be the keeper; would you say he should not be the owner?—Yes.

6352. Have you any means to suggest why he should not do so?—I am not aware that I could reach the owner, but means might be taken to reach the keeper.

6353. The reason is, that these persons, having extraordinary influence, encourage persons to go to the house he is interested in?—Yes.

6354. Mr. *W. Brown.*] And sometimes he pays wages there?—Yes; I think the danger of an overlooker having ownership in a house is very much less than the danger of such a person being the keeper.

6355. *Chairman.*]

6355. *Chairman.*] The interest is pretty much the same?—Yes; but where you would find one man owning but not keeping such a place, being an overlooker in a mill or colliery, you would find 10 who are keepers but not owners.

6356. Is it not a reason why some person starts a public-house or beershop, that he has a means of influencing custom?—I believe it is, decidedly.

6357. He would still have the interest of being the owner of the house, if he was not allowed to be the keeper; he could still send a certain number of customers there?—Yes.

6358. Is there any other person you woulp disqualify from keeping a public-house, or is there any other remedy you would suggest for improving those houses?—I would prohibit the payment of all wages at public-houses and beer-houses.

6359. Sir *G. Grey.*] Is that a practice which exists at Preston?—To a great extent throughout the north of Lancashire.

6360. *Chairman.*] Who is interested in the wages being paid in the public-house; not the manufacturer?—They are not the wages paid by the great mill-owners, they are paid at their counting-houses, but the wages paid by a sub-contractor of a railway, or to the workmen employed in a new building.

6361. How would you stop that?—I do not know; I am not *au fait* at drawing Acts of Parliament; but I would give my thoughts to an endeavour to stop it.

6362. Sir *G. Grey.*] Do you think that that practice is productive of drunkenness?—Very great indeed.

6363. And you desire to see it stopped?—I have a paper here to illustrate that; it is an account of a man who had had personal experience of what is carried on by the men who are called butties; that is, the overlookers in the Staffordshire collieries. These men keep beerhouses and low public-houses; the workmen under them have to call for their wages at such an hour (say, eight or nine on Saturday night); but the man to pay wages does not come till about midnight, having purposely staid away, in order that the men while waiting for their wages may be induced to pass their time in drinking.

6364. Are you right in saying midnight?—Until 12, or to a very late hour.

6365. *Chairman.*] These are regulations that would affect the payment of wages, not the regulation of public-houses; you only mention this as one cause of the drunkenness of the people?—I mention it as a cause of a thing to be remedied in legislation for public-houses.

6366. Your legislation would be directed against the payment of wages in public-houses?—Yes.

6367. Therefore it would affect the payment of wages, and those who receive them; it would restrict them as to the place where they should pay their men?—Yes.

6368. Sir *J. Pakington.*] Have you found, where persons are led into habits of drunkenness in these houses, they often become involved in considerable debts for the beer they consume?—No, I have not found that to be the case; but there is a matter connected with that which shows the ill effect of the beerhouse system. At the beerhouses, when they cannot receive money for their liquor, they will take any article of clothing, or any of the tools of the customer.

6369. Have you ever considered a remedy which has been suggested for the evil of the beershops in the shape of restricting beer-sellers from recovering by legal process any debt contracted for beer sold by retail?—I have a memorandum among the remedies which I purpose to suggest, that no debts for drink shall be recoverable.

6370. Do you think that would produce a good effect?—I think it would, if it were accompanied by another remedy, namely, a heavy penalty for taking in payment for drink anything but money. A beerhouse-keeper must not take a labourer's spade in payment for drink, nor must he take his hat or coat, which is a very prevalent practice indeed.

6371. If a law was passed, preventing the beer-seller from recovering any such debt by legal process, that would apply to all modes of payment, whatever they might be, whether by payment in money or in kind?—Yes.

6372. *Chairman.*] They do not give credit, generally speaking?—I believe they do not.

6373. Mr. *W. Brown.*] Are you aware they cannot recover now for anything drank on the premises below the price of 20 *s.*?—I was not aware of it; but it

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is very unlikely that any beerhouse-keeper or low public-house keeper would allow a debt to go beyond 5 *s.* or 10 *s.*, unless he knows his customers.

6374. Sir *G. Grey.*] Is it the common practice for them to take articles, such as you have referred to, tools, or clothes, in beerhouses?—Yes, it is.

6375. Do they take these articles in payment, or as security for future payment?—In payment; sometimes I have known cases in which it is taken as security, but in the great majority of the cases the article is taken as the means of payment.

6376. Sir *J. Pakington.*] Do you not think it is the interest of the beer-seller to involve his customer in a certain amount of debt, in order to secure his future custom?—I have had some prisoners who could earn very good wages, and who are therefore looked on by the beerhouse-keeper as a little freehold.

6377. When you say that your opinion is that they are not in the habit of trusting their customers, I presume you speak of the beerhouses in Preston?—Yes; and in North Lancashire generally.

6378. Have you had the means of giving your attention to the practice of country beerhouses in this respect?—I have not had an opportunity of giving my direct attention to it; I can only speak from the accounts and narratives given to me by prisoners from various parts of the division of North Lancashire; and the general result of these statements is, that the beerhouses are more mischievous in the country districts, than in the town.

6379. Have you had informa on to lead you to suppose that in the country districts it is common for considerable debts to be contracted to the beerhouses by their customers?—I have not had information on that point.

6380. *Chairman.*] Have those prisoners ascribed their ruin to other places, such as concert-rooms, saloons, and casinos?—The adult prisoners ascribe their ruin to the beerhouses and public-houses; the young ones (of whom I am glad to say we have but few) ascribe their ruin, so far as it goes, to the concert-room and dancing-room.

6381. You have some of these in Preston?—We have; one particularly injurious.

6382. Do you propose to subject those to any fresh restrictions?—Certainly; I am not prepared to say what, unless you would make it illegal to permit children below a certain age to go to such places, and to give the magistrates greater power, as to the entertainment given in those places.

6383. Have you any reason to believe that these entertainments are of a demoralizing character?—Most demoralizing.

6384. Do you mean the representation, or the songs?—The representation; I have the details of such an one in one of my reports, in the concert-room at Preston.

6385. So bad that the police ought to interfere in a case of the kind?—The police ought to interfere; they have endeavoured to interfere repeatedly, and I have myself been in attendance at the borough sessions of magistrates to see what could be done; but there is, as I have said before, I ought not to say timidity, but the impression that they are not invested with the powers to provide a remedy.

6386. Sir *G. Grey.*] When you say the police have attempted to interfere, explain what you mean by that; have they laid informations against the keepers of these houses at Preston?—Yes.

6387. For what have they laid those informations?—I am not quite clear about that, but my impression is for harbouring improper characters.

6388. *Chairman.*] You were describing the representation as being of an immoral or indecent kind, and the police have attempted to put down such places on account of the representations?—Yes, that has been the real object of the attempt to put down.

6389. Have the magistrates any doubt as to their power in that respect, because they have no doubt about disorderly characters, or if there is a riot or disturbance?—They have had doubts very much, to the regret and annoyance of a very large portion of the inhabitants.

6390. Sir *G. Grey.*] Do you mean to say that these informations have been frequent?—Yes, they have been eight or nine in the course of the year, at least.

6391. On those eight or nine informations, how many convictions have followed?—I cannot call to mind; the parties have been reprimanded and warned, and

and so forth, and penalties inflicted on them; but I am not directly cognizant of those facts. I am not able to attend as frequently as might be desirable before the magistrates.

6392. Then you are not able to say whether there is any defect in the law which prevents persons allowing improper conduct in those houses to their being convicted?—My impression is, that there must be a defect in the law, knowing as I do the wishes of the magistracy in Preston to repress the nuisance I have spoken of; and finding that they do not do it, I take it for granted there must be some defect in the law.

6393. Do you mean to say, notwithstanding these repeated informations, followed as they may have been by convictions, that the evil goes on unchecked and undiminished?—The evil goes on, very slightly checked. There may be a little more attention paid to the character of the dramatic representations; they have not been quite so indecent as they have been on former occasions.

6394. *Chairman.*] Have you been able really to trace any great evil to arise from this sort of representation; have any confessions been made to you by prisoners, either male or female, that they have been ruined by attending them?—Yes, frequently; in those places such dramas as "Dick Turpin" and "Jack Sheppard" are performed frequently. What between the dramatic representations and the penny pamphlets of Dick Turpin and Jack Sheppard, they have done more mischief than the Committee will be prepared to believe. It is a fact, that the young, and even some of those who have reached 21 or 22 years of age, are not merely familiar with the pamphlets of Turpin and Sheppard, that familiarity having been obtained from these dramatic representations, and from the penny pamphlets, but they regard Dick Turpin and Jack Sheppard as benefactors of the poor.

6395. Sir *G. Grey.*] Do you think that the evil arising from these penny pamphlets is one that can be possibly checked by law?—I think that the mischief originates in the dramatic representations. I have a case, and I am not quite sure it was not brought under your own observation, of three boys, the children of comparatively respectable parents, boys who were apprenticed to good trades; these lads had seen the drama of "Jack Sheppard" frequently; they were stimulated by a depraved spirit of emulation, and they began a course of burglary, until they were at last apprehended and sentenced to three years' imprisonment, which they passed at Parkhurst.

6396. *Chairman.*] Were these representations given at a licensed theatre, or at some of the beershops with rooms attached?—They were given at one of these rooms, but that is some time ago now, and I should not like to speak with such certainty as I should wish to do; but my impression is they were not at the theatre, but at one of these licensed rooms.

6397. How are these rooms licensed?—I do not know.

6398. Is it your impression that to give any dramatic representation, they must procure a licence from the magistrates?—Certainly.

6399. You are not, perhaps, aware of the law, that it does not require any licence out of the metropolitan district?—I was not; I am not familiar with the law on that matter; I have inquired more about the facts. At our great concert-room, as it is called, where the dramatic representations take place, the mode of obtaining admission is this: the boy or girl pays twopence to entitle them to admission, and for which they receive a ticket, and for that ticket they receive two pennyworth of liquor, and the dramatic representation I rather think is thrown in.

6400. Sir *G. Grey.*] What liquor do they receive?—Anything almost they choose to ask for.

6401. In order to sell intoxicating liquors, a person must have a licence?—They have a licence for that; that, I believe, is the way in which the law is evaded. The place is frequented by persons who go for the nominal purpose of drinking, but for the real purpose of entertainment from these representations.

6402. You have stated that you would suggest that it should be unlawful to permit children under a certain age to frequent these places?—Yes.

6403. Have you any other suggestion that you could make with a view to prevent the evil arising from the cause you have stated?—No, I have no very specific remedies to propose.

6404. *Chairman.*] Do you think that the evil is so great that it would be well

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if the mayor or proper authority of any place should know what representations were going to be given before they allowed of any?—I was about to say that while the Lord Chamberlain exercises so strict a surveillance on the dramatic entertainments of a higher class, that the magistrates of borough towns should *à fortiori* exercise a still more strict superintendence as to the representations for the entertainment of the labouring classes.

6405. And as likely, probably, to know what is fit to be represented as the Lord Chamberlain?—I should think he would.

6406. There is no other evil connected with these places of public entertainment that you wish to represent to the Committee?—It is not merely encouragement to robbery and thieving, but the particular place I now have in my mind is the resort of young persons from 12 to 16 years of age, who gradually become habituated to the most immoral conduct; boys and girls.

6407. They see vice and crime presented in a very attractive shape?—It is presented in what is worse; it is presented in a laughable shape, as something to be laughed at; and to the young mind a vice which may be represented as laughable, finds its way into practice.

6408. Sir *G. Grey.*] Are there any places of innocent amusement open to the lower class in Preston, to which they might resort if they chose?—Not so much as I should wish was the case. I may take the opportunity of mentioning that nevertheless a great deal may be done. I think it was in the year 1834 that in Preston we opened a large suite of rooms, containing all kinds of natural curiosities, ingenious pieces of mechanism, and things of that kind; we kept the place open for more than six months; the suite of rooms consisted of two galleries, 50 yards long, connected by three large rooms at one end, and a short gallery at the other end. For six months I went myself nearly every night. I have seen the place quite filled; there were respectable persons occasionally engaged to sing to the pianoforte. Over and over again my friends among the labouring classes have said, "Mr. Clay, the public-houses are cursing this place." The fact was, that those exhibitions kept open for six months, and were attractive not merely to the poor, to the working man and working boy, but they were attractive to the higher classes also.

6409. Did large numbers of the working classes frequent that exhibition?—Yes; I assure you I have been nearly half an hour before I could work my way through the circuit of the rooms.

6410. Was it only a temporary exhibition, or how came it to be closed at the expiration of six months?—Because the owners of the pictures, and the owners of articles of *vertu* wanted their property back again.

6411. The objects were only lent?—Yes.

6412. Was anything charged for admission?—It began with 1*s.*, and dropped to 3*d.*

6413. Notwithstanding the charge was higher than what is demanded at these casinos, numbers of the working classes frequented it in preference?—Certainly, I was very much struck, and pleased by the circumstance.

6414. Has any attempt subsequently been made to repeat that experiment?—I am sorry to say no; I was chairman of the committee, but I have not had time nor strength to get such a thing up again.

6415. *Chairman.*] Is not your inference rather favourable to the disposition of the people in consequence?—I am quite satisfied that no country in the world possesses a finer human material to work upon than may be found in North Lancashire, and that they are people who would amply reward any efforts for their moral amelioration.

6416. Sir *G. Grey.*] Is there a Mechanics' Institution at Preston?—Yes; but it does not do the good one would wish; it cannot rival the beershops and public-houses.

6417. *Chairman.*] They are very fond of music in Lancashire?—Yes; and they have music at those public-houses and beershops.

6418. Sir *G. Grey.*] Are there any concerts open for the working classes?—Not within the last year or two; there were concerts opened at one time.

6419. How came they to be discontinued?—I can hardly tell; I am afraid for want of energy and exertion on the part of those who could carry it into effect.

6420. While they were open were they much frequented by the working classes?

classes?—Most encouragingly frequented. With respect to the exhibition I mentioned, one very good result of it was, that it brought the high and low into close personal contact, and with the very greatest benefit to both parties. I have seen over and over again there boys I had previously seen in the gaol, conducting themselves well and quite happy, behaving in all respects creditably. There was scarcely damage whatever done to the property, and there was not one pennyworth of wilful damage done.

6421. Mr. *W. Brown.*] Are you aware that there is an institution of that kind in Liverpool which the respectable people attend, which is self-supporting, in Lord Nelson-street?—I have a general impression of it.

6422. *Chairman.*] Are there any places of public resort in Preston, such as the museum or the gardens, which are thrown open to the public?—We are preparing as fast as we can very extensive gardens. I hope in the course of another year or two they will be completed; already we have very extensive means of open air exercise.

6423. Mr. *W. Brown.*] Would you allow these gardens to be open on Sundays for the recreation of the working classes?—We have no actual gardens yet; a place called the Moor has been laid out in wide walks. That is open as much as the high road.

6424. *Chairman.*] Would you view that as objectionable, to allow the people to amuse themselves on the Sunday in the way you have just pointed out; playing cricket, or going to visit museums or places where natural history collections are found?—I do not know whether I should; I really do not see any religious objection to the playing at cricket or to visiting museums, but at the same time, I am aware that such things should be handled with very great caution and delicacy, lest we outrage the feelings of those who have very serious views on the matter.

6425. They would come in competition with the public-houses?—That is the reason why I myself would do all I could to encourage them, or anything to create wholesome, innocent recreation. It is that which the prisoners in the gaol pray for. They heartily pray "That Your Honourable House would be pleased to take such measures as will, on the one hand, lead to the suppression of the beerhouse curse, and, on the other, promote whatever may extend the means of rational amusement and intellectual progress among the labouring classes of the kingdom." In a paper given to me by the prisoner who wrote this petition, suggesting what he considered remedies for the tendency to drunkenness, I find these passages: "In order to weaken the many inducements presented by places where drinks are sold, it is evident that attractions similarly powerful, of an opposite nature and tendency, must be held out. . . . . The manufacturer and employer should be induced to offer his best conducted, as well as his most skilful workpeople, rewards in the shape of better work, or a superior situation. The workman would then be in a condition fit for mental culture and religious impressions; his child might return from school or church without having all good received there cancelled by the quarrels, drunkenness, and blasphemy of his parents. . . . . I do not feel the slightest hesitation in saying that the millowner and other masters have it in their power to lessen the social and moral degradation of the masses more than the united efforts of all others taking an interest in the cause." In all these opinions I heartily concur.

6426. Sir *G. Grey.*] Is that petition from prisoners in Preston gaol?—Yes.

6427. Presented by Mr. Brown?—Yes.

6428. By whom is the petition drawn up?—It is in the handwriting of a man of the name of Pilkington; it was not literally his composition. I placed before him a printed form of petition, which had been presented on two former occasions to the Houses of Lords and Commons: I said, "Look at that, and make whatever alteration you choose to make; make it express what would be your own feelings, and what you believe would be the feelings of the prisoners."

6429. With reference to the value of that petition, I wish to know whether it proceeded spontaneously from the prisoners, or whether it arose from any suggestion made to them by any one else?—It did not proceed spontaneously from the prisoners; it did not originate with any one or two men who came to me, and said, "Will you draw up the petition." It was suggested by me to the man Pilkington, and it was then explained by me and our schoolmaster to the prisoners, great pains being taken to impress this on them, which was the truth,

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that they were at perfect liberty either to sign or withhold their signatures; that whether they signed or did not, it would not make one iota of difference in their position as prisoners.

6430. Was Pilkington one of the prisoners in the gaol at the time?—He was.

6431. What was the cause of your making the suggestion to him in preference to any other prisoner?—He possessed so much more intelligence; he had himself been a sufferer from his drunkenness; and a man possessing so much intelligence, and at the same time having suffered so much from this cause, I thought would be the best man to draw up the petition.

6432. By how many prisoners was that signed?—By 232.

6433. All adult male prisoners?—There were about seven or eight boys of from 13 to 17 years of age; but not more than seven or eight.

6434. Out of how many in the whole prison?—Out of 250, there were seven or eight declined to sign it; one of the men said, "I have a relation who keeps a beershop;" another said, "beerhouse-keepers must live as well as other folks, I shall not sign it;" another said, "I would sign it if it was a petition to put down public-houses as well as beerhouses."

6435. *Chairman.*] You state to the Committee, on your authority, after your communication with these prisoners, that the sentiments in that petition did prevail generally among them?—I am satisfied they did prevail generally among them; I wish it were possible that any one or two members of the Committee could have seen the eagerness with which that petition was signed.

6436. Mr. *W. Brown.*] Do you not think they might be influenced more or less by a feeling that it would gratify you, as they consider that you treat them with great kindness?—I endeavoured to guard against that by keeping myself out of sight, and by employing the schoolmasters, with whom they would be more familiar, instead of going to them myself; I am perfectly sure that the schoolmasters did explain it clearly and effectively.

6437. Mr. *Sotheron.*] How did they get to sign; in what way did you arrange that they should sign it; at what time?—We have two galleries converging into a central hall; the schoolmasters, with the assistance of the other officers, brought them down about 10 at a time, and they stood round at about seven or eight yards from each other, and then the petition was read; I believe, acting on my instructions, the schoolmaster explained to them that they were at perfect liberty to sign or withhold their signatures.

6438. Lord *D. Stuart.*] Were they all convicted prisoners?—Not all, but a very large portion: I think there ought to be great importance attached to the fact that a very large portion, above 50, were under sentence of transportation.

6439. Were they all convicted, or waiting their trials?—There were not more than about four or five waiting their trials at that moment.

6440. They were persons convicted of all sorts of crimes?—Yes.

6441. Sir *G. Goodman.*] Many of the signatures attached would be done by the schoolmaster?—The larger portion is their own signatures.

6442. Is not Preston famous for its temperance societies?—Yes.

6443. You had an extraordinary man of the name of Livesey there?—Yes.

6444. Is that society still prosecuting its energies?—Yes, it still exists, and is the means of considerable good. I do know many members of it whose characters have undergone a great change. I know a man who was brought to the workhouse, but who for some years has been the owner of nine or ten cows, and derives now a very handsome competence from the sale of milk, having put out a large family respectably.

6445. *Chairman.*] He used to be drunken?—Yes.

6446. These people traced all their ruin to drunkenness, and they prayed that the beerhouses might be suppressed, in order to prevent drunkenness in other classes?—That is what they meant; it is not that each individual signing it says, "My ruin is to be attributed," but they say, "We, as a class."

6447. Mr. *Barrow.*] They attribute it generally, from their own feeling, more to the beerhouses than to the public-houses?—Yes, because the incentives held out by the beerhouses are lower, and more degrading and more numerous.

6448. Mr. *W. Brown.*] The magistrates consider standing at the counter with a glass of beer, is not harbouring, and does not come within the law?—That is what they have put on it as the construction.

6449. When the magistrates withdraw a licence, and the party appeals against it to the quarter sessions, what funds have the magistrates at their disposal to enable

enable them to defend their decision; or is it for want of funds that the parties get off?—It is generally for want of funds; the borough magistrates have no funds which they do apply to that purpose. Rev. *John Clay.* 1 July 1853.

6450. Mr. *Barrow.*] Are there many cases of appeal against the conviction?—No, I am not aware of any appeals against conviction; the cases of appeal are for refusing to license.

Lunæ, 4° die Julii, 1853.

MEMBERS PRESENT.

Mr. Villiers.	Lord D. Stuart.
Mr. Brown.	Mr. Barrow.
Mr. Gregson.	Sir G. Goodman.
Mr. Ker Seymer.	Sir G. Grey.

The Right Hon. C. P. VILLIERS, in the Chair.

William Beckwith France, Esq., called in; and Examined.

6451. *Chairman.*] ARE you a magistrate acting for the Kensington division?—Yes; and have been for more than 20 years past. *W. B. France,* Esq. 4 July 1853.

6452. And in the habit of attending the annual licensing day for public-houses?—Invariably, for the last 20 years.

6453. If you attended there last March, do you remember the application of a person named Pargeter, and also of a person named Haynes, seeking to have their houses respectively licensed?—Perfectly well.

6454. I believe the majority of the magistrates decided in favour of Haynes?—The majority of the magistrates decided in favour of Haynes.

6455. I believe the Chairman was of opinion, that Pargeter was entitled to have his house licensed?—The Chairman was of opinion that no other house was wanted there.

6456. The majority decided against the Chairman?—Yes.

6457. In favour of Haynes?—Yes; the Chairman thought no house was wanted there at all; we thought differently.

6458. The statement to the Committee was chiefly to the effect, so far as it requires your attention, that Pargeter had more signatures to his memorial to recommend him; that he had been a longer resident in the place; that he had got a more commodious house, and that there was no objection offered to him in point of character; and that, notwithstanding, Haynes had his house licensed, and Pargeter refused. It was further stated, that the brother of Mr. France, who was a magistrate on the bench, was the ground landlord of that property on which Haynes' house stood, which obtained the licence?—All of which is false from beginning to end.

6459. Was there anything against Pargeter's character?—I may be permitted to explain how these things are managed. We take a view of all the new houses applying to be licensed.

6460. State the case then between these two men?—Yes; when application is made for a new licence we go all round the neighbourhood, we invariably take the district; ours is the district of Ealing, Acton, Fulham, Hammersmith, Chelsea and Kensington.

6461. State what is the practice of the magistrates of the Kensington division?—I will speak, as far as I know, of the general body of my brother magistrates. If licences for new houses are applied for we consider it our duty to visit all these houses, and it is rather a hard duty to act up to, to go so many miles round. Among others, Mr. Pargeter's house had been visited certainly, not the last time, because I visited Mr. Pargeter's house no less than eight years ago, and before Mr. Pargeter had it. Certainly, the last time I did not visit Mr. Pargeter's house, for the best reason in the world, that his house was tumbling down, and

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was condemned by the district surveyor. I am, as a magistrate, wishing to do the best for the parties I can.

6462. Confine yourself to the facts: you state that you had learnt that Mr. Pargeter's house was not in a fit state to be licensed?—No; I had seen it; I saw it yesterday; I went there again; it was not then fit; I did not go into Mr. Pargeter's house; it was well known to us. This house of Haynes' was a new house altogether; I had never seen it before; I did not go into the house till the day before the licensing day.

6463. You visited Hayne's house?—Yes; it is stated by Pargeter that it is a house containing four rooms; now the house has got 11 rooms. (*Producing the plan.*)

6464. Did he make that statement?—Yes, it is on record.

6465. Have you got a copy of the evidence?—Yes, I have got a copy of the evidence here, and I think you asked him the question.

6466. Where is it that he mentions the four rooms?—It is in answer to question 3142: "Is your house as large as the house which has had a licence granted to it?—It is twice as large; the house previously was only a little four-roomed house, let for 20 *l.* a year, including taxes, and in the last year they took the next to it, which was of the same size, and they threw the two into one, and now it is but a small house in comparison with mine; it has no stabling and no back premises, or anything of the sort, and not so much room as there is in mine."

6467. If you wish to contradict this man, you must ascertain that he has misstated any fact. He states that it was originally a four-roomed house, and before they applied for a licence they took the next to it, and yet that then it was a smaller house than his?—I did not know it at the time; I did not visit the house till the 16th of March; I only took the house as I found it.

6468. The witness has stated that the two houses were thrown into one?—I do not know anything about that; I only took Mr. Haynes' house as I found it; whether it was three, or four, or half-a-dozen, I cannot tell.

6469. You are contradicting the witness, and we are trying to see if the witness has stated what is untrue?—The question is, "Is your house twice as large as the house which has had a licence granted to it?" he says, "It is twice as large." I say that is untrue, to my knowledge; that is the first thing; I have witnesses here who can prove it.

6470. Confine yourself to your own statement, and make it as short as possible; it seems that this person has so far been inaccurate as to have described his own house as being somewhat larger than it is?—That is so, but that is not all.

6471. You have not seen his house this year?—Yes, I saw it yesterday, and as I am very well informed, his house was to have been repaired, but the district surveyor could not let it be done; it is condemned, in point of fact.

6472. Now go on and show any inaccuracies in his statement; this one is not very important; it seems he did say it was a four-roomed house?—He says in his evidence, 3121, at which you ask him, "What do you mean by 'they promised;' did they make any statement to any person whom you could name?—They stated eight years ago that they did not think it was necessary to license another house, but when it was, my house should have the preference." Now that is untrue, and I am perfectly prepared to swear to what I state.

6473. State in what respect this man has stated what is untrue; do you mean that he did not, eight years ago, apply for a licence?—No, he did apply.

6474. Was there no assurance given to him from the bench by anybody, either from yourself or one of your brother magistrates, that when a house was to be licensed his house should have the preference?—I will undertake to say it was not given; I have been attending on all the licensing days, and I should be able to speak to it.

6475. Mr. *Gregson.*] No promise that he should have a licence, but a promise that he should have a preference?—It is never done; whatever he might have fancied I do not know.

6476. *Chairman.*] The material part is, that he alleges the ground upon which Mr. Haynes's house is built belongs to your brother; will you state whether that is correct or not?—Permit me to say that I know nothing at all about my brother's arrangements in any way whatever; my brother may have property in the East or West that I know nothing of, but in consequence of your notice I have made inquiry; I know perfectly well what the Act of Parliament is, that if I sit upon a licence when it is my brother's or sister's property, I am subject to a penalty

penalty of 100 *l.*; there was a lease granted four years ago, long before this man applied for a licence. Here is the lease of two messuages and premises, dated the 18th July 1851 (*producing lease*). Now how can Mr. Pargeter presume to say that I had anything to do with licensing my brother's property?

6477. We wish to know whether the ground did belong to your brother?—Never, to my knowledge, and here is the lease to prove it.

6478. What does the lease prove?—It proves that Mr. Haynes, who has got this public-house, took it in the year 1851, on the 18th day of July, long before he applied for a licence.

6479. Took the ground?—No, took the house.

6480. We are talking of the ground landlord; his statement is that the ground landlord is a brother of Mr. France who attended on the licensing day?—I believe every inch of ground there belongs to Mr. Jenkins, and Budd & Hayes are solicitors for that party.

6481. Then the ground does not belong to your brother?—It does not, and never did. He has stated so very cruelly. I should never have heard of it but for Mr. Frere sending me a copy of the evidence.

6482. His expression is this, "I have witnesses to prove that Mr. France's brother is the ground landlord of that property which this house stands upon that has got the licence"?—As I said before, I cannot answer for any property my brother may have, but all the property round about this belongs to Mr. Jenkins, who bought the estate some years ago; it is under the direction of Budd & Hayes, the eminent solicitors of Lincoln's Inn.

6483. To the best of your belief the ground belongs to Mr. Jenkins?—This is Mr. Haynes' petition to the magistrates, and in it there is this certificate: "I certify that the ground landlords of the above-mentioned premises desire to offer no objection to Mr. Haynes' application for a spirit licence. *Thomas William Budd*, agent for the ground landlord, Messrs. Jenkins." Now I hope I have rebutted that.

6484. He states that his premises are better suited to accommodate the public, and that his memorial was more numerously signed than that of Mr. Haynes?—His house is not so good a house as Mr. Haynes'; it is not so convenient. The Act of Parliament says that we shall judge of the neighbourhood whether the house is wanted; then we invariably study the quality of the house and the character of the party; Mr. Haynes' house is a most complete house, and I may tell you that Mr. Haynes' petition was signed to my knowledge by respectable parties in Chelsea; we had the churchwardens, overseer, 14 guardians, and others; we were pressed very much, I do not hesitate to say, by the parish for this man; I did not know him.

6485. The house is near Kensal-Green?—It is at Kensal-Green.

6486. These memorials are signed by people in Chelsea?—Kensal-Green is in the parish of St. Luke's, Chelsea, and therefore they take a great interest in having a respectable house in their parish.

6487. In your opinion the house was more calculated to accommodate the public than Pargeter's?—Yes; there are 86 householders and ratepayers, three churchwardens and 11 guardians to Mr. Haynes' petition, making 100 in the whole; now to Mr. Pargeter's, it is true, there are 106.

6488. Not more than that?—No.

6489. It is stated here as 170?—I do not care what Mr. Pargeter says; I have taken a great deal of trouble to inquire into this; Haynes had 100 and Pargeter 106; I know pretty well how this has been got up; I know a pint of beer will do all these things in a certain way; but not so as to the other petition, which has the authorities of Chelsea in favour of it.

6490. The only other statement is that you had a long conference with Haynes the day before, and that after your visit he told his customers he was quite sure of his licence?—It was no such thing; I went down in the evening, determined to see this house before licensing day; I was in his house about 10 minutes; I said, "Pray, to whom does your house belong?" "To myself," was his answer. "Are you under a brewer at all?" "No, I am not." "What is the state of your house?" "Walk round and see it." I went round, and saw a good bar, a good taproom, where a poor man could get his chop cooked, and a respectable parlour and a club-room; I saw everything that convinced me it was a fit and proper house to be licensed.

6491. Your stay in the house was not more than 10 minutes?—Not more.

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6492. Do you know anything about his stating that he was then certain of his licence?—As to that statement, I went over to Mr. Haynes, and told him all the particulars, and asked him to answer my questions in writing.

6493. You saw Haynes at his own house?—I saw Haynes at his own house on Saturday night, directly after I got the notice from Mr. Frere.

6494. Did you see Haynes previously, when you went to view the house on licensing day?—Yes.

6495. Because Pargeter states that he stated immediately after that he was sure to have a licence; did you state anything to him about his licence that could justify him in so telling his customers?—I did not in any way whatever.

6496. You did not state anything about his licence; you only went there to view his premises?—Nothing else; I took the view, and off I came immediately; we had 16 magistrates sitting on that day; Mr. Pargeter says that nine were sitting, and that five voted for the licence and four against it.

6497. He is asked, "Was there any division of opinion amongst them, as far as you know?—There was; I understood there was a division of five to three." Mr. Fitzroy asked him, "How many magistrates attended on that occasion?—There were nine on the bench on the licensing day"?—There were 16, and out of the 16 nine voted for the licence; Mr. Tubbs has a great objection to any licence up in that neighbourhood; I got into a scrape with him for following out the wishes of St. Luke's; and there was Mr. Freer who did not vote at all; Mr. Scott had not seen the premises, and Mr. William Scott had not seen the premises, and therefore would not vote.

6498. The witness may not have referred to the number present at the beginning of the day, but to the number voting when the question was put about his licence?—We muster on those days very strong.

6499. How many have you reduced the number of 16 to?—Mr. Tubbs, Mr. Freer, Mr. Scott and Mr. William Scott did not vote, and I think Captain Bush did not vote.

6500. That brings it down to 10?—He would have it implied that there were only nine present.

6501. The next question was, "Was there any division of opinion among them, as far as you know?—There was not; Mr. Tubbs said, you should not bring up a public-house in my district at all"?—He did not want it there.

6502. He is then asked, "Do you know anything about a division yourself?" and he said, "No, I do not know; the room was cleared"?—The room was not cleared; Mr. Pownall made the suggestion that the room should not be cleared that day, and it was not; therefore he is wrong in that. Then he goes on to give you an account of the population, which he states was 6,000. It was 2,000, he says, when he went there, and within the last eight years it has got up to 6,000.

6503. The question is this: "What was the population of the place at that time?—Between 2,000 and 3,000 inhabitants; there are upwards of 6,000 in the place now"?—There are not more than 3,000 in the place at the present moment. That is the reason why this licence was not granted earlier, on account of the population; I should say that I am no friend to carrying these licences out so extensively, and for this reason, that they all get into mischief. They have got dancing there now.

6504. Then Haines has got his licence for a place which you thought objectionable to grant a licence to?—No; Haines got his licence for a place which I thought desirable.

6505. I thought you were not in favour of giving these licences in consequence of the population not having increased, and that the magistrates thought that it was not necessary to add to these licensed houses?—I am speaking of seven or eight years ago, when Pargeter was applying for his licence, there was no occasion for it whatever, but there is great occasion for it now.

6506. What is your notion of the population now?—About 3,000.

6507. What was it at first?—Considerably less than 2,000.

6508. You thought the time was come for granting a licence?—I thought it only fit and proper it should be granted when the parish itself was petitioning that there should be something of the sort there.

6509. And you thought Haines' house had the better situation?—Yes, and if any gentleman will take the trouble of throwing his leg over his horse and ride down there, he would satisfy himself of the difference at once.

6510. You have also said that Haines does not hold a lease under your brother

of

of any house?—I can only answer for that house; I know nothing of it. Here is the party, and you can ask him. Here is a lease from another party. *W. B. France, Esq.*

6511. Then that is an inaccuracy of Mr. Pargeter's?—Yes; there is the lease from the other party. I only regret that this evidence was not taken on oath. 4 July 1853.

6512. Mr. *Barrow.*] You say that the difference in the signatures of the two memorials was not very great, the proportion being 106 to 100?—Yes.

6513. What would be the proportion of property in possession of parties signing these memorials?—One would be like a straw in the scale to the other; one is highly respectable property, the other is no property at all.

6514. *Chairman.*] You admit that Mr. Tubbs thought that Mr. Pargeter should have a licence?—I do not admit that at all. Mr. Tubbs was of opinion that no licence was wanted there at all; but Mr. Tubbs did say, that Pargeter has been there a number of years, he has applied very often, and I think he is the man who ought to have it. I think something passed of that kind. I do not know that it did, but I believe there was something passed of that sort. I sat next to him; he said, you have granted the licence to this man, and Pargeter has been there so many years. I said the other is the best house.

Mr. *William Henry Haynes*, called in; and Examined.

6515. *Chairman.*] IT has been stated here that you hold a lease of a house under Mr. France?—No, I do not; under Mr. Empson. Mr. *W. H. Haynes.*

6516. You never did hold a lease of a house under Mr. France?—Never, at any time.

6517. I mean the brother of Mr. France, who has just been giving his evidence?—Never.

6518. Was Mr. France ever the owner of the ground on which your house was built?—Not to my knowledge; I do not know anything of any one except Mr. Empson and Budd & Hayes, Jenkins' people.

6519. You have no connexion with Mr. France as regards property?—None whatever.

6520. And you believe your house stands on ground belonging to Mr. Empson?—Mr. Empson is the landlord; it is Jenkins' ground.

6521. And you hold under Mr. Empson?—Yes, for 31 years.

6522. You have heard what Mr. France stated here, and do you confirm everything that he has stated as regards himself?—Yes.

Gilbert Hogg, Esquire, called in; and Examined.

6523. *Chairman.*] ARE you high constable of South Staffordshire?—High constable, Seisdon North, and chief constable, Wolverhampton. *G. Hogg*, Esq.

6524. You are head of the police at Wolverhampton?—Yes.

6525. What is the office of high constable; what are the duties you perform there?—It is a separate and distinct office from that of chief constable. I have placed under me the parish constables of the district, to receive and issue all precepts issuing from the magistrates with regard to licensing.

6526. Were you high constable for the whole county before?—I was deputy chief constable of the county of Stafford for six years, for the whole county; that was before the incorporation of the borough of Wolverhampton.

6527. And before you went to Staffordshire you were at Manchester?—Yes; I was private secretary to Sir Charles Shaw, the Government Commissioner of Police at Manchester.

6528. How many years were you there?—Altogether over 11 years, between 11 and 12 years.

6529. One of the duties of the men under you is, to watch the beerhouses and the public-houses?—Yes, particularly.

6530. And you have had opportunities, therefore, of knowing the character of these houses?—Many.

6531. Both the beerhouses and public-houses?—Yes.

6532. I believe there has been a report made lately, or a return made of the amount of drunkenness and disorderly conduct in all towns, and among others, in Wolverhampton?—Yes, I saw that report here on Friday last.

6533. Did you make that return?—Yes, I did for Wolverhampton.

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6534. What is the precise nature of that return; is it of convictions for drunkenness and disorderly conduct exclusively?—Yes, for the last 10 years.

6535. Of every case brought before the magistrates?—Yes, of drunkenness.

6536. What does disorderly conduct mean?—Arising from drunkenness.

6537. Are these cases of drunkenness and disorder brought before the magistrates on the increase in Wolverhampton?—Decidedly so.

6538. Since when; have they been annually increasing?—No; they were stationary for some years; but now they have been on the increase for the last three or four, or five years, principally at Wolverhampton, owing to the great increase of population there.

6539. The police have been vigilant and are better organized?—The police have been better organized of late years, and have been exceedingly particular with regard to that class of offences.

6540. Do you give strict orders that they should enter these houses whenever there is any disturbance?—No; I give orders that the police in going their rounds visit these houses, not that they should be placed at the disposal of the landlord to call in a police officer when he thinks proper; that I entirely disapprove of.

7541. That is not done practically there?—No, except in cases where it is absolutely necessary to call in the aid of the police to prevent a breach of the peace.

6542. Have you a return of the number of convictions of the beerhouses and public-houses, distinguishing the two?—I have; this return contains rather more than you ask for; it contains the population of South Staffordshire in four districts; it contains the total number of public-houses, the total number of beerhouses, the number of population to each house; the number of convictions against public-houses for three years ending 31 December 1852, and the same for beerhouses; the average convictions against public-houses, and the average convictions against beerhouses.

6543. Show in what proportion the convictions stand as regards beerhouses and public-houses?—The population of South Staffordshire is 260,739; the number of public-houses is 869; the number of beerhouses is 1,152; total number of beer and public-houses 2,201: the population to each house 129, that is, of all sexes and ages.

6544. That is, there is one house for a given number of people?—For 129 of the population of South Staffordshire.

6545. Of public-houses?—Yes, or beerhouses, and that number includes all sexes and ages of the total population; the number of convictions for public-houses for three years was 444; the number of convictions against beerhouses during that period, was 1,197; the average convictions of public-houses was one in two; ditto of beerhouses, rather more, one in one; all have been convicted, or rather more than that; in public-houses, about one-half, as near as possible; but beerhouses have all been convicted.

6546. Sir *G. Grey.*] Have all the keepers of beerhouses been convicted, or do you mean that the convictions amount to the number of beerhouses in that division of the county?—The amount in number; the average number of convictions against beerhouses exceeds the total number of beerhouses.

6547. Do you mean that there is not a beerhouse in that part of the country which has not been convicted?—Not at all; there are some beerhouse-keepers who have not been convicted; what I mean to say is, that the number of convictions against beerhouse-keepers exceed the number of beerhouses.

6548. *Chairman.*] State what the offences have been for which this great number of convictions has taken place?—For having the houses open after hours, particularly on Saturday night and Sunday.

6549. Do your men watch these houses for the purpose of informing against them?—Decidedly.

6550. For these offences?—They have strict orders to do so.

6551. Sir *G. Grey.*] Can you state the largest number of convictions against any one beerhouse-keeper?—I can; I have had as many as 13 convictions against one man, and he has paid as much as 30 *l.* in fines and fees in a period of four years.

6552. Are the cases frequent of more than three convictions?—Not frequent.

6553. Have any houses been closed for two years, under the power the magistrates have of adjudging for three convictions for disorderly conduct that the house shall be so closed?—Do you refer to beerhouses or to public-houses.

6554. Beerhouses?

6554. Beerhouses?—No; I have not known a single instance for having a certain number of convictions against it.

6555. Are you aware of a power which the magistrates have on a third conviction, of adjudging that the house shall be absolutely closed for the sale of beer for two years?—I know that when notice in certain cases is given to the officer of excise, he is obliged to withdraw the licence from the beerhouse-keeper; but I do not know of a single case that has occurred.

6556. *Chairman.*] Do you know whether the magistrates have evidence of the previous convictions when the cases are brought before them?—I know they have not.

6557. Is nobody bound to produce that evidence before the magistrates; is not the policeman the witness?—No.

6558. Sir *G. Grey.*] By whom are the informations laid?—By the inspector or serjeant of police.

6559. *Chairman.*] Is it always an inspector or serjeant of police who lays the information?—Invariably.

6560. And he does not feel himself bound to inform the magistrates, or to adduce evidence of the previous convictions?—I generally do so myself; and the only notice that is taken of it is, that the fine is larger. The fine perhaps, in the first instance, is one shilling; the offence is laid always as a first conviction.

6561. Sir *G. Grey.*] Let me call your attention to this part of the Acts of the 11th Geo. 4, and the 1st Will. 4, "And it shall be lawful for the Justices before whom any such conviction for such third offence shall take place, to adjudge, if they shall so think fit, that such offender shall be disqualified from selling beer by retail, for the space of two years next ensuing such conviction; and also (if they shall so think fit) to adjudge that no beer shall be sold by retail by any person in the house or premises mentioned in the licence of such offender." That is a case which has nothing to do with the Excise, but gives the magistrates the power to adjudge, if they think fit, that the house shall be closed for the sale of beer. Have you called the attention of the magistrates to that clause, and has that power in any case been enforced?—I have never known a case where it has been enforced, for this reason, the difficulty of proving the first, second, and third convictions; we have to send to the office of the clerk of the peace at Stafford for such convictions.

6562. Are not the convictions before the same bench of magistrates?—Yes.

6563. Is there no record kept of the convictions by particular benches of magistrates?—There is a record kept by the chief of police himself, and also by the magistrates' clerk; but such record is merely mentioned to the magistrates, and I do not believe they are empowered to act on it, when the offence is not laid as a second or third offence.

6564. If the record is kept by the clerk of the magistrates of a particular bench, is there any necessity to send to Stafford for evidence; is not the evidence available in the hands of the clerk of that bench of magistrates?—I think not.

6565. *Chairman.*] Your understanding of the law is, that the information must state that the man has been previously convicted?—Decidedly so; and although the man may have been convicted a dozen times, if the information does not state that such is the case, the magistrates have no power to act.

6566. You state that the information is laid by the police?—Yes.

6567. Why do not the police, with this clause of the Act of Parliament before them, which gives an extensive power to the magistrates to check misconduct on the part of the beerhouse-keeper, attempt to enforce it?—Because the record of that conviction must come from the clerk of the peace; and in many cases the record of the conviction has never been sent to the clerk of the peace's office.

6568. Sir *G. Grey.*] Do I understand you that the police lay the information?—Yes.

6569. Do they ever lay the information alleging that the person against whom it has been laid has been convicted previously?—I have never known a case.

6570. Why do they omit to lay that in the information?—The great difficulty has been to get the proof of the former conviction. The constable who lays the information is not sufficient.

6571. How are you aware of the difficulty of getting proof, if you have never put yourself in a situation to tender proof of that charge in the information?—Because I have understood that it has been done in other places where a very bad case has arisen, and all the forms have been gone through by applying to

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the clerk of the peace for a copy of the conviction. It has been obtained on paying certain fees. I believe the case I refer to was taken before a bench of magistrates in South Staffordshire, and they declined to allow the officer the fees that were paid for obtaining that certificate. The officer is in the room who made the application.

6572. Do you mean that the expenses of obtaining the previous convictions and the refusal of the magistrates to allow those expenses, has deterred you from including them in that charge?—And the difficulty of obtaining it.

6573. What is the difficulty of obtaining it irrespective of the expense?—There is the sending to and from Stafford.

6574. Must you send a messenger to Stafford, or would not a letter do as well?—A letter would do.

6575. Is there any serious difficulty in writing a letter to Stafford?—No.

6576. Does the whole difficulty consist in the procuring and tendering the evidence, and the alleged refusal of the magistrates to allow that as a portion of the expenses of the prosecution?—And a knowledge of the fact, that in many cases the convictions are not returned at all.

6577. What bench of magistrates was it who refused to allow those expenses as part of the expenses of the prosecution?—Near Stourbridge.

6578. Was that single case sufficient to deter you from ever making the attempt yourself?—It was not sufficient, nor have I done so, nor have I ever known any other person do so.

6579. *Chairman.*] The magistrates have not directed you to do it?—No.

6580. They did not tell you that you ought to bring legal proof of the other convictions?—No; they are invariably informed of the number of convictions that have taken place previously, and their fines are according.

6581. They do hear the fact, but they have not the legal proof either by the production of the original record, or the proper person attending who could give them evidence?—Just so.

6582. Are they informed of it, and do they regulate the penalties accordingly?—Exactly; I will show that in one case here, which is an application for a licence.

6583. For public-house licence?—Yes.

6584. Sir *G. Grey.*] You state that the magistrates are informed of the conviction being a second or third conviction, and regulate the penalties accordingly; are you aware of this further provision in the same clause of the Act of Parliament, which I before read to you; "Every seller of beer, ale and porter by retail, having a licence under the provisions of this Act, who shall permit any person or persons to be guilty of drunkenness or disorderly conduct in the house or premises mentioned in such licence, shall for every such offence forfeit the respective sums following;" then, without going through the words, it is stated that for the first offence he shall forfeit a sum of not less than 40*s.*, or more than 5*l.*; for the second offence a larger sum, and for the third offence a larger sum still. Have the magistrates on mere verbal information, without any evidence of the previous conviction, imposed a higher penalty in the case of a third conviction?—Certainly not.

6585. Would not the same evidence which enabled them to do what you say they do, impose a higher penalty in the case of a third conviction, enable them to put in force the other provision of the law to which I have just adverted?—No, I think not; the magistrates when the case is heard have said, "Do you know anything of this house?" On such and such a day he was fined 2*s.* and 6*d.* or 5*s.* and costs. Then they say, "We will fine him 10*s.* now," but it never exceeds the 40*s.*

6586. For the first offence?—I have never known it 40*s.* for the first offence.

6587. Notwithstanding great misconduct on the part of some beer-sellers in South Staffordshire, have the magistrates never imposed a penalty exceeding the penalty for the first offence, and have they not put in force the other provision which was expressly intended to shut up these houses, in cases of repeated misconduct?—I have never known a case where the penalty has exceeded the amount for the first offence, but I have known that the party has been frequently fined the full amount.

6588. For the first offence?—Never for the first offence.

6589. But the full amount that the magistrates are authorised to impose for the first offence?—Yes; I mean that I have known cases where a man has been taken on a certain day before the magistrates, and fined 40*s.* and costs for the offence,

offence, and the same man is taken up a fortnight afterwards and fined 40 *s.* and costs again; and the same man has been taken up and find 40 *s.* a third time. I have known that to have occurred.

6590. Have you ever known the fine to exceed 40 *s.*?—Never; I have never known, where the fine for the first offence is 40 *s.*, to exceed that.

6591. In the case of the beerhouse-keeper convicted 13 times, was the fine imposed more than 40 *s.* for one of those offences?—Never; it was 40 *s.* every time.

6592. Are you aware that 40 *s.* is the minimum and 5 *l.* the maximum for the first offence?—I am not aware that 40 *s.* is the minimum, for this reason, that the magistrates never fine 40 *s.* It is a very rare circumstance that a magistrate fines 40 *s.* for a first offence or a second offence; 6*d.* and 1*s.* I have known, and 2 *s.* 6 *d.*; those are of much more frequent occurrence than 5 *l.*

6593. The clause I have just referred to says, "and every person so licensed who shall permit any such disorderly conduct, shall, for the first offence, forfeit any such sum, not less than 40 *s.* nor more than 5 *l.*, as the justices before whom such retailer shall be convicted of such offence, shall adjudge." Do you mean that in Staffordshire you have never known a higher penalty than 40 *s.* imposed in any case?—Never; that is, in the case of a beerhouse.

6594. Mr. *Barrow.*] Do your policemen ordinarily lay informations on that clause, or do they not lay them on the next clause following in the Act, which merely imposes a specific penalty for keeping the house open after hours?—I will state how the information is laid: there is a book kept for the purpose, in which the police officer writes down a report of what occurs at the house. That report is submitted to me, and I mark it "summons," or "caution" if it is the first offence, and appears not to be very serious. If I wish to have a summons taken out, I write the word "summons" in the margin, and put my initials to it, and send that book to the magistrates' clerk's office, and then I have nothing more to do with it.

6595. Do you attend to the distinction between summoning the beerhouse-keeper under the clause which imposes only a penalty not exceeding 40 *s.* for keeping his house open after hours, or would your policeman summon him under the clause which imposes a higher penalty; would the summons always be made out for the inferior offence?—I have never known a summons made out for the second offence.

6596. There are two clauses in the Act of Parliament; it is the common practice to summon only under the clause for keeping the house open after hours?—I do not recollect a single case where the summons has been taken out for the larger offence, it is always for the minimum penalty.

6597. When you found this man convicted so often, did you never make any application to the magistrates to return those convictions to the clerk of the peace?—No, I did not, because every time the man came he said to the magistrates that he had stopped selling, or that he was going to give up the house, and he ultimately did so; his brother has held it for the last three months; that was a conviction that occurred within a recent period; the five last convictions were within the short space of six months.

6598. *Chairman.*] How is it your duty to lay these informations before the magistrates; are you directed by any Act of Parliament, or is it by any order of the magistrates?—The police make a report, and that report is entered in a book, and that book is submitted to the magistrates' clerk, and the summons is issued accordingly.

6599. Then you are not bound to adduce the legal evidence, or to see that the information is properly supported, as far as the law goes, or the technicality of the law?—Certainly not.

6600. Do the magistrates ever direct the clerk of the peace to see that the information is properly laid?—I am not aware that they do.

6601. Does not the clerk of the magistrates attend at the sessions?—Yes.

6602. Does he not look over those informations, or do you not communicate with him before the case is brought before the magistrates?—I take an extract from the books, such as you have now before you, and in all cases I attach that to the summons.

6603. That sets forth the offence?—Yes; the number of offences, the date, the amount the party had been fined, is written on a slip of paper and attached to the summons, and shown to the magistrates.

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6604. Mr. *Gregson.*] That includes all the previous convictions?—Yes, that calls the attention of the magistrate to the fact.

6605. Lord *D. Stuart.*] Does that state the nature of the offence?—The book is always on the bench, which states the nature of the offence, and the party who is to prove the offence is the police officer, who is placed in the witness box.

6606. If the information for disorderly conduct is stated?—Yes.

6607. And if it is for keeping the house open at improper hours, that is stated?—Yes.

6608. Disorderly conduct may occur during proper hours?—Yes, and I have known cases where parties have been convicted of disorderly conduct in their houses, although the hours for closing had not yet arrived; I have known a man convicted for disorderly conduct in his house at six o'clock in the afternoon.

6609. A man might be convicted of keeping his house open on after hours without disorderly conduct?—Yes.

6610. Sir *G. Grey.*] Have all these informations against beerhouses been for keeping the houses open after hours, and not for allowing drunkenness or disorderly conduct?—Several of these informations have been for drunkenness and disorderly conduct when they had a perfect right to keep their houses open; other informations have been laid against them, and convictions have followed, for having prostitutes and notorious thieves in their houses; harbouring them.

6611. *Chairman.*] Give the Committee an idea of that offence of drunkeness and disorderly conduct for which a beerhouse-keeper is liable; is it when they are drunken in his house, and he has not removed them?—When they are drunk in his house and making a great disturbance, and there is no effort on the part of the landlord to remove them; when you find him taking his glass of ale and his pipe, with a great disturbance going on in his house, and he is sitting quietly by.

6612. For that offence he is liable?—Yes.

6613. The greater proportion of cases is, where there is no drunkenness or disorder, but keeping the house open after hours?—After hours, with parties in who have taken rather too much drink, and you do not class those people among disorderly characters if they are quiet; you then summon the landlord for having his house open during the prohibited hours.

6614. Is there any difficulty on the part of the police in convicting the beerhouse-keepers of keeping their houses open, or having people in their houses after hours?—Yes, I have found great difficulty.

6615. We do not get a complete idea of the number of cases of this kind that occur, of keeping houses open after hours, or of the drunkenness within them, by the number of convictions you have returned?—You do not.

6616. You say there is a difficulty in enforcing the law?—Yes.

6617. What is the difficulty?—The house-door is shut, and to all appearance everything is quiet; at the same time parties are card-playing, and drinking and quarrelling in the back premises, and in rooms sufficiently distant from the door to prevent your hearing the noise from the outside. You knock at the door, and what is considered a reasonable time must be given to the landlord to open the door; you are kept, perhaps, five minutes; the cards are removed in the mean time, and the ale is got off the table and the glasses all removed; then you come in and find a very quiet and orderly company, and you are informed that these parties are lodgers, which may or may not be the case, and you have no power of knowing whether it is so or not. There is also great difficulty in getting a conviction against a beerhouse-keeper or publican, for allowing card-playing in his house, owing to a decision that appeared in the Justice of the Peace not long ago.

6618. Is card-playing against the tenor of the licence?

6619. What is the decision?—If parties are not playing for money, or money's worth, it is no offence at all.

6620. Card-playing is not mentioned, but gaming is?—Yes; consequently you find many parties playing at cards in public-houses, and they do not remove the cards at all. The only way to detect them is to have an officer in plain clothes.

6621. The only persons liable are the beerhouse-keepers, and the people playing are very unwilling to give evidence against them?—Yes; it is a very rare occurrence for people to give evidence against the beerhouse-keepers.

6622. Would it be a remedy for this, if all the persons found there were each of

of them liable to some small penalty?—I entertain a very strong opinion upon that point. I think it should be, as in the case of a prize-fight; all parties present at a prize-fight are liable to a certain penalty. If such were the case with beerhouses, you would have much less disorderly conduct and much less immorality and drunkenness; I have long thought so.

6623. Do you think evidence would be more easily obtained?—Yes.

6624. Each person would feel he incurred some risk if he was in the house after hours, or if there was rioting?—Yes; not more than 10 days ago there was a prize-fight close to Wolverhampton; we got about 26 of the party taken into custody, including the prize-fighters, and they were all punished; I think if that was the case with respect to parties found drunk and disorderly in public-houses, it would have a very beneficial effect indeed; at present, when the police come, the only person who is fined is the beerhouse-keeper.

6625. What is the penalty which is usually imposed on a beerhouse-keeper, or on a person who is found drunk in a beerhouse, is it a small pecuniary fine?—The penalty on a person found drunk in a beerhouse is 5*s*., or six hours in the stocks; then the man has eight days to pay it according to law, and in the eight days you do not know where the man is, and he will not come to you. In many cases where they are fined 5*s*. we never get the fine at all.

6626. That is as to cases of drunkenness?—Yes.

6627. Would not that apply to the penalty you would impose on persons you found in a beerhouse; if you give them time to pay it, then they will be off? No, in the case of beerhouse convictions, the magistrates can send a distress warrant in at once.

6628. We are talking of the persons who might be in the beerhouse being made liable; if they had time also, like any man found drunk, might they not all go off?—No doubt of it.

6629. And not pay?—Yes, I complain of that.

6630. Is it not because the penalty for drunkenness is rather too much for the sort of character that might be found lying drunk in the streets, and if it was less he might be made to pay it on the spot?—I have always thought if the penalty was half-a-crown it would have the same effect as five shillings, and compel the party to pay it at once. Now, a man is fined 5*s*. and he has eight days to pay it, and, in fact, we never look for it, and they do not come to us.

6631. If the penalty is small, and he is a resident in the place, he is more likely to find the means to pay it?—Yes.

6632. Do you think if a small fine was certainly imposed it might deter a man from committing drunkenness, or playing at cards?—Yes, and in default, some short imprisonment.

6633. Mr. *Barrow*.] One of the remedies you would suggest is, that the law which now gives to the man seven days should be altered, and that he should pay that penalty on conviction?—Yes.

6634. *Chairman*.] What have been the penalties imposed on this large number of persons returned from your district guilty of drunkenness and disorderly conduct?—They have been fined from 1*s*. to 5*s*.

6635. Where they have required time?—Where a small fine has been inflicted some friends of the party will pay the money over, and it is paid immediately; but where the fine is 5*s*. it requires some time.

6636. Sir *G. Grey*.] Is there power of imprisonment on default of payment of the fine?—None whatever; on the contrary, they must be liberated immediately the court is adjourned. Mr. Leigh, our stipendiary magistrate, will not allow any person to be kept in custody after four o'clock, that is the time at which the court is adjourned.

6637. *Chairman*.] Now, we find in this return, that in Birmingham the cases are very much fewer in proportion to the population than in Wolverhampton; do you know if the same vigilance is observed in that district, or do you ascribe it to the population being much more immoral in Wolverhampton than in Birmingham?—I cannot ascribe it to such a cause most decidedly; I am perfectly aware that in Birmingham, on a Sunday, the ale and beerhouses are conducted in a widely different manner from any other place I know of, except Walsall.

6638. The system is not the same, although the distance between the places is short, and the circumstance of the places similar; the system is quite different in Birmingham and Wolverhampton?—Decidedly so.

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6639. Sir *G. Grey.*] Have they a local Act in Birmingham, which gives the magistrates additional power?—No, nothing of the kind.

6640. *Chairman.*] State the difference of the two systems?—I will state shortly my reason; what first attracted my attention was this; a beerhouse-keeper in Wolverhampton some time ago was summoned before the magistrates for having his house open between three and five o'clock, the usual hours of Divine service there.

6641. On the Sunday?—Yes: he came before the magistrates and said, "There is no occasion to swear the policeman to the information; it is the fact that my house was open, and there were people in drinking, and I received the money the same as on a week-day." The magistrates were perfectly astonished, and said, "What is the reason of this?" He said, "I kept a house in Birmingham for six years; we are ordered to close on Saturday night, and not to open till one on Sunday afternoon, and from that hour we keep open just the same as on any other day."

6642. Being allowed to do so in that town?—Yes; the magistrate turned to me and asked if such was the case; I said it is the fact, I have known cases; there is a small rivulet which divides Staffordshire from Birmingham; on one side you see all the beerhouses and public-houses closed during the afternoon of Sunday; on the other side they are all open the same as on the week-day.

6643. Sir *G. Grey.*] In Wolverhampton the public-houses and beerhouses are all closed during the hours of Divine service?—In all parts of South Staffordshire.

6644. In Birmingham it is not so?—It is not; they are open.

6645. *Chairman.*] When you pass the rivulet, they are all open on the Sunday?—Yes.

6646. Sir *G. Grey.*] How does that account for the number of convictions of persons being found drunk, being so much less in Birmingham in proportion to the population, than in Wolverhampton?—I was perfectly astonished when I saw that return on Friday; I could not conceive it possible; Wolverhampton has a population of 54,000 inhabitants.

6647. The township?—Yes, the Parliamentary borough has 130,000; but the township has 54,000 inhabitants.

6648. Does this return which you have made, refer to the Parliamentary borough, or the township?—The township only.

6649. What was the return in 1851 of persons taken into custody for drunkenness and disorderly conduct?—Seven hundred and seventy.

6650. What is the population of Birmingham?—About 220,000.

6651. And the offences are very little more than in Wolverhampton; there are only 867 with double the population; how can you account for that?—I cannot.

6652. The beerhouses and public-houses being open on Sunday during hours when they are closed in South Staffordshire?—Yes.

6653. *Chairman.*] There is less vigilance in one respect; they do not enforce the law with respect to Sunday trading?—It would be presumptuous in me to make any remark, further than to state the fact.

6654. Sir *G. Grey.*] You have referred to this Act of 11 & 12 Vict. c. 49, as bearing on this point; explain in what way it bears on the different systems adopted in Birmingham and Wolverhampton?—It is the third and fourth clauses.

6655. Do the convictions of publicans and beerhouse-keepers in South Staffordshire, for keeping their houses open during the hours of afternoon service, take place under the third and fourth clauses of this Act?—Yes.

6656. What are the words of these clauses which prohibit the opening of these houses during the hours of afternoon service?—"Be it enacted, that it shall not be lawful for any licensed victualler, or person licensed to sell beer by retail, to be drunk on the premises, or not to be drunk on the premises, or any person licensed or authorised to sell any fermented or distilled liquors, or any person who, by reason of the freedom of the mystery or craft of vintners of the city of London, or of any right or privilege, shall claim to be entitled to sell wine by retail, to be drunk or consumed on the premises, to open his house for the sale of any other articles whatsoever within the respective times during which the sale of wine, spirits, beer, or other fermented or distilled liquors, is hereinbefore prohibited, except as refreshment for travellers."

6657. Refer

6657. Refer to the words of that clause, or any other clause in that Act, under which publicans or beerhouse-keepers in South Staffordshire are convicted for keeping their houses open between three and five o'clock, those being the hours of afternoon service?—"And be it enacted, that so much of an Act passed in the fourth year of Her present Majesty, intituled, 'An Act to amend the Acts relating to the general sale of beer and cider by retail in England,' as provides that no person licensed to sell beer or cider by retail as therein mentioned should have or keep his house open for the sale of beer or cider, nor should sell or retail beer or cider, nor should suffer any beer or cider to be drunk or consumed in or at such house, at any hour before one of the clock in the afternoon on any Sunday, Good Friday, Christmas-day, or any day appointed for a public fast or thanksgiving, shall, without prejudice to any pending proceeding for breach of such enactment, be repealed."

6658. Point out the words which prohibit these houses being opened between three and five o'clock?—The Beerhouse Act points that out, and the Public-house Act, too.

6659. Not the Act you hold in your hand; but is it not from being contrary to the tenor of the licence?—It is contrary to the tenor of the licence.

6660. Is it your opinion that the magistrates for the borough of Birmingham do not enforce the provision of the licence?—I am not aware that the magistrates do not enforce it; but I am aware that the houses are opened when they are closed in all other places.

6661. The law being the same?—Yes.

6662. *Chairman.*] Is there less drunkenness and disorder in Birmingham than in the neighbouring borough of Wolverhampton?—Certainly not.

6663. You are totally unable to account why the proportion of offences should be so much smaller in Birmingham, with so much larger population, than in Wolverhampton?—I am.

6664. Sir *G. Grey.*] What is the respective amount of the police force in the two boroughs?—The police force in Wolverhampton is about one officer to 2,000 inhabitants.

6665. Do you know what it is in Birmingham?—One officer to 635 inhabitants: this return refers to Birmingham, Manchester, Liverpool, Bristol, Brighton, Nottingham, Chester and Wolverhampton.

6666. Confining yourself to the comparison between Wolverhampton and Birmingham, does the police force in Birmingham bear a larger proportion to the population than it does in Wolverhampton?—The number of population in Birmingham to each constable is one to 635 of the inhabitants; that was in 1850; and the police force in Birmingham is about the same now as it was then. In 1850, the number of the population to each constable in Wolverhampton was 2,174 inhabitants; in Birmingham it was one to 635.

6667. Do you think that the comparatively larger amount of police force in Birmingham may account for the less number of cases of drunkenness?—I really find it difficult to answer that question.

6668. *Chairman.*] Have you ever visited these beerhouses and public-houses in Birmingham?—I made a point of doing so (more especially when I had an idea of being summoned before this Committee), and on Sunday particularly.

6669. Did they appear to be more orderly in consequence of the fear of the greater number of police?—I saw the same conduct being carried on in the different houses; I have got a list of several houses I visited in Birmingham on Sunday; they were smoking, drinking, drunken, disorderly, and all the same class of people; the lowest description of people in Birmingham, the same as in Wolverhampton.

6670. Sir *G. Grey.*] Do you attribute the difference between the number of convictions in Birmingham, as compared with Wolverhampton, to there being less vigilance on the part of the police in Birmingham?—I should be sorry to say anything with regard to the conduct of the police force, or the manner in which the Birmingham police force is conducted; it would come very ill from me.

6671. Are you satisfied with the amount of your own force, or do you think an increase of it would enable you to deal more efficiently with this misconduct?—I am quite aware that the force of Wolverhampton is not sufficient, and that an increase is in contemplation.

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6672. *Chairman.*] Have you jurisdiction over a much larger district than Wolverhampton?—Yes; as high constable I have.

6673. But the police extends beyond the township?—The police force; the rural police is all over the county of Stafford.

6674. You have command over the police force that extends beyond Wolverhampton?—No; they make their returns simply to me as high constable.

6675. When you state the proportion is 1 policeman to 2,000, you are referring to the population of the township?—Yes.

6676. And it is in contemplation to extend the number of police; is that for the township or the neighbouring districts?—For the township.

6677. Mr. *Barrow.*] Is your police confined to the township, and not extending to the whole municipal borough?—The police are confined to the municipal borough only; not to the Parliamentary borough.

6678. *Chairman.*] It is the township alone that is incorporated?—Yes.

6679. The neighbouring districts are not included in the incorporation?—No.

6680. Have you any suggestion to make to the Committee with respect to the regulation of these beerhouses or public-houses, with a view to their better conduct, or with a view to preventing the drunkenness that takes place?—I think decidedly that there are a class of persons who have beerhouses; I can give the names of some, who for the purpose of obtaining the beerhouse licence have put two small houses together, and have made a communication from one house to the other; but after obtaining their licence the door was closed, and the second house sublet, and are now two different houses; I can give the names of several.

6681. You are now referring to the qualification?—Yes.

6682. There is a certain rated qualification which is required before the licence can be obtained?—Yes.

6683. Do you refer to the qualification not being sufficient?—Not being sufficient, and also to the facilities which are afforded to the beerhouse-keeper in the obtaining of a licence.

6684. Sir *G. Grey.*] Is not the case you have put one in which the law with regard to qualification is evaded; the two houses are put together, in order that they may be rated to a sufficient amount to qualify the applicant for his licence; and then the licence being obtained, half the house is shut up?—Yes, precisely; and is let to a grocer, or baker, or some one else.

6685. Would that be remedied by a mere increase in the amount of rating?—It would be remedied by an inspection and constant supervision of all houses having licences.

6686. When you found a fraud or an evasion of that kind practised, what would you do?—Deprive the man of the licence forthwith.

6687. You would require that the rated value of the house should be maintained throughout the whole of the time it was used as a beerhouse, instead of its existing simply at the time the licence is acquired?—Yes; the representation made at the time the licence was granted should be fulfilled; there should be no subtraction from it.

6688. That recommendation of yours does not amount to an opinion that the amount of rating should be raised?—Decidedly so.

6689. Do you recommend, in addition, that the amount of rating should be raised?—I am of opinion that beerhouses should be raised according to a scale I have here; I could name the amount.

6690. What is the present amount of rating that is required?—Fifteen pounds where the population exceeds 5,000.

6691. Is that the case at Wolverhampton?—Yes.

6692. Now confine yourself to Wolverhampton; what would you recommend should be the amount of rating required to entitle a man to a beerhouse licence?—Where the inhabitants exceed 40,000, the rent of a beerhouse should not be less than 30 *l.* per annum.

6693. That would apply to Wolverhampton?—Yes.

6694. What would be the effect of that on the existing beerhouses in Wolverhampton; how many of them could be retained as beerhouses?—Perhaps one-fourth, or probably not so many.

6695. Do you mean that three-fourths are at present rated under 30 *l.* a year?—Yes.

6696. Mr. *Brown.*] Would not the effect of that be to raise the rent of all beerhouses, so that all those which are under 30 *l.* would come up to your 30 *l.*, would

would it not have the effect of raising the rent of many to 30*l.*?—I do not speak now of houses that are rated, I mean that in future the rent of all houses to be licensed for beerhouses should be 30*l.*

6697. *Chairman.*] What good do you expect to follow from that?—A better class of men, more respectable men, and a more responsible body; not an irresponsible body.

6698. Make that a little clearer; in what way more respectable; would they have better character or more capital?—At present a beerhouse-keeper can obtain a licence without a character at all; he has no character.

6699. That is quite distinct from the capital?—I would make it incumbent on a man applying for a beerhouse licence to go through all the forms that a public-house is obliged to go through, namely, posting notices on the church door and on his house door, and serving the constable, so that all parties, the public, the parish, and the police authorities should have an opportunity on the licensing day to make any statement they thought proper for or against the man.

6700. That would apply to any qualification of rating; this is only a security that you suggest for the character of the man?—Yes.

6701. What is the particular object of raising the value of the property, or to raise the rating qualification of a beerhouse?—To get a more respectable body of men, men of better character; men who will not be guilty of the very many disgraceful acts that some beerhouse-keepers are guilty of now, whom I am prepared to name; I wish on a licence being granted hereafter to a beerhouse, that it shall not be made a receptacle for stolen property; there is one man at Wolverhampton whose name I could mention, every room of whose house was filled with stolen property; and of course a conviction followed.

6702. What has happened there?—As it is at present, the licence is held, and he is now a licensed beerhouse-keeper in Wolverhampton, the same man.

6703. Is that according to law, that he should hold on; what was he convicted of?—Felony; receiving goods knowing them to be stolen.

6704. Are you aware of this clause of the 3d & 4th Vict. c. 61, sect. 7; "And be it enacted, that every person who shall hereafter be lawfully convicted of felony, or of selling spirits without licence, shall for ever thereafter be disqualified from selling beer and cider by retail, and no licence to sell beer and cider by retail under the said recited Acts or this Act, shall be granted to any person who shall be so convicted as aforesaid; and if any such person shall, after having been so convicted as aforesaid, take out or have any licence to sell beer or cider by retail under the said recited Acts or this Act, the same shall be void to all intents and purposes; and every person who shall, after being convicted as aforesaid, sell any beer or cider by retail, in any manner whatsoever, shall incur the penalty for so doing without licence, and in all such cases in prosecution for the recovery of such penalty, a certificate from the clerk of the peace, or person acting as such, of any such conviction as aforesaid, shall on the trial in such prosecution be legal evidence thereof"?—I am.

6705. After that man was convicted of felony, why was he allowed to carry on the trade of a beer-seller?—Because if the licence is taken from him it is given to his son, or his mother or wife; either one or other of those parties.

6706. The man then would not himself have had the licence, but some member of his family?—The name of a member of his family is over the door, but everything that is sold in the place is sold by him, and he receives the money and puts it in his pocket.

6707. How would you ever prevent that; that is one way of evading the effect of punishment, but would you visit a whole family with the consequences of one member of it offending?—Decidedly not; you have a guarantee if you have the house rented at 30*l.* a year; he is of a certain standing in society. There may be an isolated case where a man rated at 50*l.* a year will be guilty of malpractices.

6708. There are opportunities for offences afforded by houses of public resort which are not afforded by other houses?—Yes; are you referring to public-houses?

6709. To both; they have nothing to do with the character of their customers; it is open to every description of persons coming there?—I should probably think so. I am aware that a large class of publicans and alehouse-keepers have everything to do with the class of their guests, who know bad characters, and will not tolerate them in their houses at all. There is that class of men, and that is the class of men I should like beerhouse-keepers as near as possible to approximate to.

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6710. There are public-houses that are not so careful?—I am sorry to say there are.

6711. That would be the case if beerhouses were rated as high as public-houses, there would be some black sheep in the flock?—Yes; but I think you will very considerably reduce the number.

6712. Sir *G. Grey.*] What is the average ratable value of the public-houses in Wolverhampton?—I have an extraordinary return with regard to that; the public-houses in Wolverhampton at present will not exceed 35*l.* a year. I can state that to be the average with respect to the houses in Wolverhampton. It surprised me to find that there was an old house in Canal-street, kept by a man of the name of Perry, the valuation of which to the poor is 10*l.* 10*s.*, and that man has a spirit licence.

6713. You have stated that about three-fourths of the beerhouses are rated under 30*l.* a year?—Yes, more than that I should say.

6714. What proportion of the public-houses are rated under 30*l.* a year?—I think very nearly the same; not through the district generally; I think at Wolverhampton.

6715. Then you do not attribute the greater respectability and good conduct of the publicans to the larger amount of the ratable value of their houses, because nearly the same proportion are rated under what you would fix as the ratable value of the beerhouses?—Yes; I attribute the respectability of the public-house keeper principally to the fact, that once a year he has to meet the bench of magistrates; that he has to serve certain notices; that the constable is there with his black book before him. At Wolverhampton every case of report or complaint against a publican is laid before the magistrates on the licensing day. The licences of parties who are complained of are selected from the other licences, and before the whole body of the publicans of the district those 20 or 30 are held up, and those parties are told to attend in four, five or six weeks afterwards for their licences. The hearing is adjourned, and whether the magistrates will suspend or in fact refuse the licence altogether is not known. That brings these 15 or 20 men before all their fellow-publicans. I think it is a severe castigation; many of them rather than answer to their names and appear before their fellow-publicans will stay away and send a servant, unless they are compelled to attend.

6716. *Chairman.*] They are afraid of the licence not being renewed?—Yes, and more so, afraid of getting a lecture before the publicans at large; I think it has a very beneficial effect.

6717. Do you know of many renewals of licences being refused?—No, very seldom; some are suspended a considerable time; some are refused; the one before you was refused for the reason which was stated, of two convictions within three months; it was refused, and the man appealed to the quarter sessions at Stafford, and there the magistrates' decision at Wolverhampton was confirmed.

6718. Is the same practice adopted with respect to the convictions there, which there is with regard to beerhouses; is there any legal evidence given of the conviction, and if not, do the magistrates receive any other evidence?—No, in the case of convictions against publicans, the licence is generally indorsed, and initialed at the time, and that is considered sufficient evidence.

6719. When they are convicted, the licence is produced, and some note referring to the conviction is indorsed on the licence; and that licence is produced before the magistrates when they apply for a renewal?—The old licence is invariably attached to the new one, and on turning it round you see the convictions.

6720. What is the punishment for three convictions?—Occasionally licence refused altogether.

6721. For two convictions they suspend?—For two convictions they suspend.

6722. What do you mean by suspend; do they suspend to the next year?—No, sometimes they suspend until the next year, or they suspend until the adjourned day, which is generally the last day in September.

6723. Does the business go on in a house during the suspension, or is the house closed?—The business goes on.

6724. To the profit of the person who is in question?—Yes.

6725. Sir *G. Grey.*] Then when you speak of the suspension of a licence, do you mean more than this, that the magistrates suspend their decision as to whether the licence shall be ultimately renewed?—Decidedly so; and an entry of that suspension is made in the year 1851, and if there is any occasion the following year

year to refer to it, the licence will be decidedly refused, having been suspended on one occasion.

6726. *Chairman.*] This is the rule about non-renewals, that when they see the three convictions indorsed on the old licence, the magistrates at Wolverhampton decide that the licence shall not be renewed?—No, there are other circumstances; where three convictions have taken place, they have got the original report, and read the report carefully to see whether those are very bad cases, or whether they are what are considered trivial cases; a very bad case is having a number of people drunk and disorderly in the house after hours; that I consider a bad case; I do not consider it a very bad case if a man comes up just five minutes after the proper time to close the house, and says, I want a pint of brandy, or a pint of gin, and it is sold to him; nevertheless it is an offence against the licence; but it is not of the bad character of the other offence.

6727. You say that these publicans are made respectable by the fear of the magistrates not renewing their licences?—Many of them are made so, and many of them are not made so; I should be sorry if that remark applied to the whole class of publicans; on the contrary, we have many respectable men who keep public-houses in South Staffordshire.

6728. Who have no reason to fear about renewal?—Who have no reason to fear.

6729. Mr. *Brown.*] Would it not have a good effect in making these beer-houses and public-houses more respectable if they were obliged to pay a larger sum for their licence, which they should forfeit in the event of the licence being taken away; they pay 2*l.* 10*s.* now, suppose you make it 10*l.*?—It would have a similar effect to that of rating; it is on the same principle. If a man has to take a 30*l.* house, he will be perhaps a more respectable person than a man who takes a 10*l.* or 15*l.* house.

6730. *Chairman.*] You have stated your opinion about raising the qualification; have you any other suggestion with respect to the beerhouses, to make them more respectable or better conducted?—Yes, certainly, to put them on the same footing as public-houses with respect to their applications, namely, that they should give public notice, and not get a licence from an officer of Excise, without the knowledge of any party except the overseer. In fact, with regard to beerhouse-keepers—now, I don't know that it is generally known—a case was decided not long ago, showing that the overseer of a parish has the same power in granting a beerhouse licence, that the magistrates have in granting an ale-house licence.

6731. Just explain that?—I don't think I have got the case here, but I can explain it at once.

6732. You are now alluding to the certificates which the overseers are obliged to give to the Excise?—Yes; any applicant upon going to an overseer for two certificates which are required, before he can obtain the licence, can compel the overseer to give him a certificate of rating, that is, that his house is rated at so much per annum. He then goes to the Excise, and they say, We cannot give you a licence on this certificate; you must get another of residence. The man goes back and says, I want another certificate. The overseer says, I will not give it to you. The applicant cannot compel the overseer to give that certificate, nor can any other person. The consequence is, without both certificates no licence can be granted. I can give you a case in point; a man of the name of Brandt, at Wolverhampton, applied several times to the overseer, who did not give it for eight months, and the house was not licensed for that time.

6733. Is that attended with any advantage, seeing it is a restriction on the granting of a licence to the beer-seller?—It would be in that way, but I propose to tranfer the power which the overseer now appears to hold, from the overseer to the magistrates.

6734. You have a stipendiary magistrate at Wolverhampton?—Yes.

6735. And he is resident there?—Yes.

6736. He was a barrister of some years' standing?—A barrister of 10 years' standing, before his appointment.

6737. Is he paid a salary?—Yes.

6738. He is always there?—No, on two days of the week.

9739. In the neighbourhood?—Yes.

6740. Would you give this power to some competent resident authority in the place?—To the magistrates.

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6741. Sir *G. Grey.*] The power of withholding the licence, as they have in the case of publicans, or the power of withholding the certificate of the applicant, being a resident householder?—I would change the system of granting licences to beerhouses altogether, and make it similar to that of granting licences to alehouses; there should be the same forms as to notices on church doors and house doors gone through, by the beerhouse-keeper, and the magistrates should grant it in the same way as they grant alehouse licences.

6742. *Chairman.*] You would still reserve to the magistrates a discretion?—Yes.

6743. What proportion of the applicants for public-houses get licences at Wolverhampton; are there not many refused each year?—I will give you the original list for one year (*handing in same*).

6744. What year is that for?—One thousand eight hundred and forty-eight, the first year of the incorporation of Wolverhampton.

6745. It is the municipal magistrates who give the licences?—We have no less than four magistrates, who are also in the commission for the county of Stafford; this is a form which I made myself, and it has been attended to since. The first is the number, then the name of the applicant, the street in which his house is situate, the distance from the nearest public-house, the number of rooms in his house; if stabling, what accommodation; and in the column for remarks, "In this column may be stated the population, or any other remark the officer may think necessary for the guidance of the magistrates; also. if at present a beerhouse." This is the original list for the year 1848. There were 33 applications, 16 of those were refused, 13 were granted, four were postponed for further inquiry.

6746. What were they refused for; were they refused for not complying with your standard, or the requisites you have set up there?—One standard at Wolverhampton was, that no licence should be granted to a house that was rated under 20 *l.* a year.

6747. Was that the rule the magistrates laid down themselves?—Yes, for their own guidance.

6748. And you state the rate in your column?—Yes.

6749. Had those 13 not complied with all the requisites found in that table of yours?—Sixteen; several had.

6750. Had they at the time they were refused?—Certainly they had; but those houses were not considered necessary to the locality.

6751. Sir *G. Grey.*] State how many of those applications were from the keepers of beerhouses?—Yes; five were from parties not beerhouse-keepers; and all the others were from beerhouse-keepers; 28 were from beerhouse-keepers.

6752. *Chairman.*] Those who had a licence were also beerhouse-keepers?—Twenty-eight were beerhouse-keepers, and five were not beerhouse-keepers.

6753. What proportion of those who got the licences had beerhouses?—The first is a private house, licence granted.

6754. Sir *G. Grey.*] Were the five comprised within the refusals, or the grants?—The first was granted, the second refused, the third granted, the fourth deferred or postponed for further inquiry, the fifth was refused.

6755. Then there is no objection to an applicant on the ground of his being the keeper of a beerhouse?—None.

6756. *Chairman.*] Do you know why those sixteen were refused by the magistrates on that occasion?—Principally from the evidence given, that there was no necessity for more public-houses in the district.

6757. Who furnishes the evidence of the requirements of the district?—We have plans of the premises produced; attorneys appear, and evidence is taken for application, and against it.

6758. What is the nature of the evidence, to show that the district does not require more than the magistrates' licence?—An applicant may apply to have a house licensed, where there is no increase of population, or he may apply to have a house licensed, where on the opposite side of the street there was a house, or where there was a house to the right or left.

6759. Sir *G. Grey.*] Is there any fixed amount of population which a public-house is thought by the magistrates sufficient to serve?—There is not.

6760. Is it, then, out of regard to the property of the old established licensed houses, that a new one is not licensed?—Why, it is with regard, I think, more to the population; according to the mode of granting licences

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at Wolverhampton, they do not pay a great deal of attention to the old licenced houses.

6761. *Chairman.*] Have you any other suggestion to make; that is the rule that is observed at Wolverhampton; do you think that adequate to keeping the houses respectable?—Yes; "That in addition to the persons at present precluded from having a licence, no grocer, draper, shop-keeper, person in trade employing more than 15 men, or any person who having held a spirit or beer licence which he has forfeited, should be licensed."

6762. For what?—For a public-house.

6763. That no such house should be licensed to sell liquors?—Those parties, in addition to sheriffs' officers or police officers. I would add to that number the parties I have named.

6764. That they should be equally disqualified?—Yes.

6765. For having licences to sell liquors?—Beer, ale, or spirits.

6766. Mr. *Brown.*] By retail?—Yes, on the premises.

6767. Sir *G. Grey.*] Certain persons are now disqualified from obtaining licences as publicans or beerhouse-keepers?—Yes.

6768. You would extend, if I understood you rightly, the disqualification to the cases of the persons you have just mentioned?—Decidedly.

6769. Mr. *Brown.*] You would not let a man carry on two pursuits at the same time; he must attend to his public-house or beerhouse?—Yes.

6770. You would not allow a warehouseman who has the employment of a great number of hands to keep a beerhouse or public-house that might induce his hands to go there to receive their wages?—No; I know the baneful effect of that, where parties go to receive their wages; they receive part in drink and part in money.

6771. *Chairman.*] Go on with your suggestions?—"That no person shall have a licence except in his own name, and for his own benefit, and such person shall not be entitled to more than one licence, although he may be the owner of several inns and beerhouses; an exception in favour of railway companies." I have placed a marginal note here: "Should not the applicant be required to state who is the owner of the house in all cases, and if a brewer or distiller, refuse the licence."

6772. Mr. *Barrow.*] Do you know any instance of a person having two licences?—Yes, and am prepared to name the man; one house is in Dudley and the other is in Wolverhampton, six miles apart.

6773. Sir *G. Grey.*] Is it an uncommon thing for a person to own two inns or public-houses in a town?—It is not uncommon to be the owner, but not the landlord of the houses; the houses are generally let to different parties. "No licence to sell ale, spirits, &c., should be granted to any person who is not resident in the house, nor in respect of any house rated at less than 40 *l.* per annum in cities and towns containing 40,000 inhabitants; 20,000 inhabitants, 35 *l.*; 10,000 inhabitants, 30 *l.*; 5,000 inhabitants, 20 *l.*; and in places situated elsewhere, 18 *l.*"

6774. Is it not the law already, that no beerhouse licence can be given to any person but the real resident occupier?—Yes.

6775. Do you propose to extend that to publicans?—Yes; I was speaking with reference to the certificate of residence, which the overseer is now compelled by law to furnish: "That no licence be granted to any person who shall not produce a certificate according to a form to be given, signed by at least six rated inhabitants, that he is a fit and proper person to be entrusted with a licence, and also a certificate from the chiefs of police, or other officers, that the house contains at least four rooms on the ground floor, and four bed-rooms, with proper convenience; many houses now licensed have not accommodation for the family; *see* Wolverhampton rating. One house, 10 *l.* 10 *s.*"

6776. *Chairman.*] This applies entirely to towns?—Yes, where the population is according to the scale here.

6777. Sir *G. Grey.*] What is that scale?—"£.40 per annum in cities and towns containing 40,000 inhabitants; 20,000 inhabitants, 35 *l.*; 10,000 inhabitants, 30 *l.*; 5,000 inhabitants, 20 *l.*; and in places situated elsewhere, 18 *l.*"

6778. *Chairman.*] Do you mean to say that a beerhouse should be rated at 18 *l.* in your district?—Yes.

6779. The beerhouses, you have stated, should bear a certain ratio to the population?—Yes.

6780. Have you anything further about public-houses?—Yes; "that every applicant must give notice as at present, and shall also one month previous to his

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applying for a licence send to the magistrates' clerk for the petty sessional division, and to the chief officer of police of the town or district, his name, place of abode for the last 12 months, and a description of the house he wishes to obtain a licence for, in order that the necessary inquiries may be made. That the magistrates at petty sessions for any county, city or borough shall appoint the chief officer of police or high constable, with one or more assistants, to inspect all inns and beer-houses, and to report to them annually, according to a form to be given, any alteration, addition or subtraction, any increase or decrease of population. In this way a constant supervision will be maintained, and no doubt with a beneficial result. See list of houses sublet after licence obtained." I have a list of houses here, in which licences have been obtained, but the licence once obtained, the house is cut in two.

6781. And other business carried on in it?—Yes; a man may be a collier, or a mason, and he has one portion of the house for carrying on that business. When the application was originally made for the licence, it was all one house. I have the names of the parties here where such has been the case; that is, with regard to beerhouses.

6782. These are the regulations that you now propose for beerhouses?—Yes; "That at the general licensing meeting the magistrates shall hear evidence for and against the granting a new licence, the wants and requirements of the district, and to have a discretion whether they grant or refuse such licence. No magistrate connected with the trade (or whose relatives are in the trade) should be permitted to act at such meeting." The beerhouses should also have an appeal to the quarter sessions.

6783. Did you state any fixed amount of rating for beerhouses?—I am coming to that; "That every licensed person shall keep a book according to form, at all times open, in which any complaint may be entered by the guests, officers of excise, and officers of police, the book to be produced at every licensing meeting, and on every complaint before the justices."

6784. Would you have a magistrate take notice of the complaints of a guest?—A guest might make complaints, and the inspecting officer might take notice of it.

6785. This inspecting officer is to visit the beerhouses?—And public-houses; "That the police and other constables shall have the same powers as at present, to enter and inspect licenced houses; it is notorious that the police take no active interest in convictions.—That at every general licensing meeting the chief or other constable shall lay a statement before the justices of all offences committed by licensed persons within the petty sessional division, the better to enable them to determine whether to refuse, to renew, or to suspend the licence of the applicant.—The same enquiry to be made as to character, in cases of transfer, and transfers should take place only in case of death, *bonâ fide* sale of property, pulling down the house, or rebuilding it; but in no instance, unless the house is rated, and has the accommodation required.—That all houses shall be closed from 11. 30. P.M., on Saturday, until one o'clock on Sunday afternoon; again from three to eight; and again from 10 until five o'clock Monday morning, except for the accommodation of travellers.—Gin palaces and other houses, where there is music and singing, should be closed at 12 o'clock every night, and on Saturday, same as other houses; in case of complaint, the person licensed should be called upon to prove that parties found in the house are travellers." There is a great difficulty in discerning who are travellers and who are not.

6786. You think the host could distinguish?—I think he ought to be able; and a respectable host would do so; "I am of opinion that it would be advisable to abolish such houses; thousands are attracted to them by music, dancing and singing; young people of both sexes congregate there and acquire habits of drunkenness, immorality and extravagance, to support which they resort to theft and robbery, and ultimately become a burthen to the country; I can trace many convictions to this cause: gin palaces and saloons are becoming more numerous, there is no necessity for them for public accommodation, and they could not have been intended by the Legislature."

6787. How do you define the gin palace?—I define a gin-palace as a place where they have got singing, and dancing, and music, at all hours of the night.

6788. That is what they call a dancing saloon, is it not?—Those saloons I would put down entirely.

6789. Sir

6789. Sir *G. Grey.*] How do you distinguish a gin palace from another public-house?—A gin palace is where dancing and singing is permitted; there are several which may be called gin palaces, which are conducted very well indeed, where there is no singing and no dancing, where people come in and have their glass of gin or brandy, and walk out again.

6790. Your recommendation as to gin palaces is confined to places where singing and dancing is carried on, and not to where spirits are sold exclusively?—No, decidedly not; "Attended by music, dancing and singing."

6791. Mr. *Gregson.*] How can parties show whether they are travellers or not?—On a Sunday?

6792. Yes?—You cannot detain them; but the landlords can make some inquiry; I should consider that a man who came from his house, a short distance, was no traveller; it is very easy to see whether there is a carriage or car at the door.

6793. *Chairman.*] What would you do with the gin palaces?—I would abolish those where music and singing are allowed.

6794. You would not give licences to those kind of places?—Unless they abolish music and dancing; it is a great attraction to young persons.

6795. You do not object to these places, except as being public-houses?—No.

6796. Sir *G. Grey.*] Have not the magistrates the power to withhold a licence from the keeper of any public-house who has a music or dancing saloon attached to it?—I am not aware they have.

6797. Have they not a discretion as to granting or refusing a licence?—Yes; but there is a power of appeal, and if there was no other complaint but the music and singing, the appeal would succeed.

6798. The discretion of the magistrates at the quarter sessions might differ from the discretion of the licensing magistrates?—I think so, if there was no stronger ground for withholding the licence.

6799. *Chairman.*] You have not any of those splendid edifices in Wolverhampton which we call gin palaces in London?—Yes; we have houses which are rented at 140 *l.* a year.

6800. Sir *G. Grey.*] Have they all got singing and dancing saloons attached to them?—No, not all. There is one house, a gin palace, which is very well-conducted, which has no singing or dancing, and which pays a rent of 140 *l.* a year. "The person licensed should be held responsible for the conduct of the house; he should have the same protection as other members of the community; but it will not do to allow him to call the police to clear his house when he thinks proper; he should so far control his servants, that parties becoming intoxicated and disorderly should not be supplied with more drink, or allowed to remain in the house. This is a great point. The duty of the police should not extend farther than the preservation of the peace, and when called in as a last resource, should use only sufficient force to eject a party after the landlord or his servants had endeavoured and failed to do so. If public and beerhouse keepers are empowered to call the police as often as they think proper, it will very much impair their efficiency; they will, in fact, become their servants, to the detriment of the police service; farther, if such a power is conceded, when a house is found full of drunken and disorderly characters by the police, the landlord will at once say, 'Oh, where have you been; did you not meet my servant?'" That is the excuse when the police comes into the house. "In fact, the responsibility will be transferred from the landlord to the police; and in many localities an officer will be required for every public-house and beerhouse. A landlord will look quietly on, and say, 'the police should be here to quell this disturbance; I will not interfere.' Those remarks do not apply to the trade generally, but to individuals; moreover, superior officers of police cannot have proper control over their men. When found in public or beerhouses, they will immediately say, 'I have been sent for to quell a disturbance; the parties are just gone, and I am getting the particulars from the landlord.' In some cases the landlord will support the statement of the officer, although aware that it is untrue. The instructions issued by me to my men are, do not interfere with parties quarrelling in a public-house; if the landlord requires your assistance to clear the house, do not put your hand on any person, but if the landlord or his servants are assaulted or threatened in your presence, then apprehend the party, and in all cases report what has occurred.—Public and beerhouse keepers should be liable to the same penalties for harbouring borough police officers, when on duty, as they now are for harbouring members

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of the county police." There is an extraordinary fact with regard to that; suppose a police officer serving under me is found in a public-house or beerhouse, with his armlet on, there is no penalty against the landlord; but if one of the county police is found there with his armlet on, there is a penalty of 5*l.* against the landlord. There is a clause in the County Police Act by which all publicans and beerhouse-keepers subject themselves to 5*l.* penalty for harbouring a county policeman on duty, but there is no such clause in the Borough Police Act.

6801. *Chairman.*] Is there any penalty on the officer?—Yes; under the Watch Committee I have the power of fining or dismissing them; "The foregoing conditions to be complied with in all applications for new licences for beerhouses, with the exception of rating and hours to open and close, which should be as follows:—

Inhabitants.	Rate.	Close at
40,000	£.30	11 P.M.
20,000	25	ditto.
10,000	20	ditto.
5,000	14	10. 30. P.M.
4,000	10	ditto.

Beerhouses to open and close the same as public-houses. That all persons at present holding ale or beerhouse licences shall renew their licences for the houses they now occupy as prescribed, on their satisfying the magistrate that they carry on no other trade on the premises, and that they have no other licenced houses in their own name, or carry on the business for the benefit of others, although the house is below the qualification above mentioned."

6802. Sir *G. Grey.*] Do you propose a different scale of rating for beerhouses and public-houses?—Yes.

6803. Do you propose that the hours during which beerhouses should be kept open in the week, should be irrespective of Sunday, different from those during which public-houses are kept open?—Yes.

6804. In all other respects you would subject the publican and beerhouse-keeper to precisely the same regulations?—Yes.

6805. Both as to obtaining the licence and the restrictions they are placed under when they have obtained it?—Yes.

6806. *Chairman.*] You would make the public-houses close at night?—No.

6807. You would leave public-houses now as at present in that respect?—Yes.

6808. Mr. *Brown.*] You dissent to police officers entering public-houses or beerhouses at the suggestion of the publican, to enable him to get rid of disorderly persons; what reason have you for not wishing to give the landlord that power, when he may have disorderly persons in his house, and not have physical force enough to turn them out?—Then he may call the police officer in to assist him, to stand in the room while he is ordering the company out; it is not his duty because the landlord tells him, to put them out; the police must witness some act on the part of the guest which will authorise him to interfere.

6809. The refusal of the party to go out?—Then of course, if the landlord orders a man to go out, he has a right to put that man out himself; the police have no right to interfere. I have known an action brought against a policeman for interfering unnecessarily in a public-house; he was called in by the landlord, and when there acted according to the instructions of the landlord, and an action was brought against him for it.

6810. Sir *G. Grey.*] He was then acting as the servant of the landlord, not as a police officer?—Yes.

6811. *Chairman.*] Will you finish your suggestions?—"That a third conviction in 12 months shall disqualify a person from holding a licence for three years"; this is the great point which Sir G. Grey asked me about, as to proving the convictions.

6812. About the three convictions?—"That a third conviction in 12 months shall disqualify a person from holding a licence for three years, and to render the proof of such conviction the more easy, the certificate of the magistrates' clerk (or his deputy) where such conviction took place, shall be considered sufficient evidence. The licence at the termination of three years shall not be renewed, if the house is disqualified; a forfeiture of the licence should follow a conviction for the adulteration of ale or beer."

6813. Should

6813. Should it be a conviction for any offence, whether Sunday trading, or any graver offence, when you say third conviction?—A third conviction against the tenor of the licence.

6814. Will you proceed with your statement as to the adulteration of liquor?—"A forfeiture of the licence should follow a conviction for the adulteration of ale or beer; all the provisions of the present Ale and Beer Acts, as to penalties, power of appeal, &c., to be incorporated in the new Act, save so far as they are altered and varied by the intended Act." On this subject I have had much valuable information from Mr. Owen, assistant magistrates' clerk at Wolverhampton.

6815. What do you call the present Act?—The Beer Act.

6816. Sir *G. Grey.*] Have informations for adulterating beer been frequent at Wolverhampton?—Not frequent; but we have had informations. The difficulty is to discover when the ale or beer is adulterated; within the last fortnight a party was convicted at Wolverhampton, and fined in the mitigated penalty of 50 *l.* for adulterating ale. I have known many parties who have said when they have appeared before the magistrates, on a charge of being drunk, "I got into such a house, and got a quart or a pint of ale; I was sober when I went in, and that pint of ale made me quite drunk."

6817. Bearing in mind the large amount of penalty that may now be imposed for that offence, do you think it necessary that the forfeiture of the licence should follow the conviction?—I think the fact that the party has been convicted, where the penalty is so very high, should be carried still further, by depriving that person of ever holding a licence again, because nothing can be worse than adulterating ale and beer.

6818. *Chairman.*] Have you any doubt that it is generally practised?—I have no doubt it is practised by several parties.

6819. And that it is known in those districts to be done?—Yes; and these houses are known to parties in the district, I have not the slightest doubt of it.

6820. Sir *G. Grey.*] That 50*l.* penalty must have been for a second offence?—This party was fined in a mitigated sum.

6821. *Chairman.*] Is the case you refer to the one in which grains of paradise was the means of adulterating the beer?—Yes.

6822. Has that the effect of intoxicating the person who has it mixed with his beer?—There is a difference of opinion as to that; my opinion is, that it has that effect.

6823. It has a stupifying effect?—Yes; "Many complaints have been made in reference to the working of the present Act in various localities; in two places not far from Wolverhampton the ale and beer houses are open from one o'clock on Sunday, for the remainder of the day; drinking, smoking and revelling is carried on precisely as on week-days; this conduct is permitted close to the parish church, during the hours of Divine service. It is therefore indispensably necessary to make it imperative upon the authorities to enforce the Act for the regulation and government of public-houses. No penalty for an offence against a licence should be reduced to less than one-fourth of the full amount."

6824. Sir *G. Grey.*] With reference to the houses which you say are kept open at Wolverhampton; I thought, when you were drawing a distinction between Birmingham and Wolverhampton, that you stated they were not allowed to be kept open in Wolverhampton during the hours of afternoon service?—Certainly not.

6825. Now read the last sentence again with reference to the rioting on the Sunday afternoon?—"Many complaints have been made in reference to the working of the present Act in various localities; in two places not far from Wolverhampton, the ale and beer houses are open from one o'clock on Sunday, for the remainder of the day; drinking, smoking and revelling is carried on precisely as on week-days; this conduct is permitted close to the parish church during the hours of Divine service."

6826. Are those the cases to which you referred just now, when you said these houses were kept open from one o'clock on Sunday for the remainder of the day, and which you say is beyond the jurisdiction of the Wolverhampton magistrates?—Yes. "There is also a class of houses called 'Wabble shops,' where beer is sold without a licence, when detected (which is very difficult) and convicted, a fine varying from 10 *s.* to 5 *l.* is inflicted. A fine and imprisonment should follow a conviction in such cases. So long as parties are permitted to sell beer at 1½ *d.*

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per quart, this nuisance will be continued. The 1½ *d.* beer without a licence is an inducement to go on to strong beer and ale; parties when turned out of public and beerhouses go to the wabble shops."

6827. Do you mean that you would fix a price at which beer should be sold, and prohibit it being sold below the price so fixed?—No.

6828. *Chairman.*] The law does fix the quality of beer that may be sold without a licence?—It permits persons to sell beer at 1½ *d.* per quart without a licence.

6829. Legally?—They have no licence at all.

6830. They may do so?—I don't know that they may; but I know the Excise will not prosecute.

6831. Sir *G. Grey.*] What is the precise alteration of the law you would recommend bearing upon that point?—That no party should be entitled to sell beer without a licence.

6832. Whatever the price of the beer?—Yes; because from the parties who now sell beer at what is supposed to be worth 1½ *d.* a quart, ale, as good as can be had at any other place, may be had at these houses after all the other houses are closed.

6833. You would not restrict the price at which beer should be sold by parties holding a licence?—Certainly not.

6834. *Chairman.*] Is it the practice to make people in some of these wabble shops pay for good beer, it being inferior beer adulterated?—Yes.

7835. A man goes in to get made comfortable, but the quality of the beer will not allow him to be so, they give it him adulterated?—Yes.

6836. And they make him pay for it as if it was genuine and superior?—Yes; and convictions have taken place in consequence.

6837. Sir *G. Grey.*] Are there many places in which beer is sold without a licence?—A great many.

6838. Illegally sold?—Yes, and the excise officers refuse to prosecute. Where this 1½ *d.* beer is sold they will also sell porter and ale, but it is very difficult to detect them; still several detections have taken place. "There is also a class of houses called 'Bush houses,' where, during the fair, ale, beer and porter is sold openly Sunday and Monday, night and day, by persons who have no licence; those parties set the police at defiance; those houses are frequented by pickpockets, thieves and prostitutes from the neighbouring towns, and are secure from the eye of the police, who are informed they have no right to enter private houses; parties when turned out of public and beerhouses, go to these houses." There is one town in South Staffordshire, Fazeley, where there are about 30 houses that sell during the fair, ale, porter and beer indiscriminately.

6839. There is a regular fair there?—Yes, also at Rugeley.

6840. What are these "Bush houses;" are they tents or regular houses?—Not tents; they are private houses; and the policemen have no right to enter those houses.

6841. Do they advertise outside that they sell beer?—They have got a bush over the door.

6842. Mr. *K. Seymer.*] Is there a charter for this fair?—No, there is no charter.

6843. Sir *G. Grey.*] Is it well known that they are selling beer?—It is well known, and the police cannot enter it, because it is a private house. There is no licence.

6844. Not if they know that the beer is constantly sold?—At Rugeley there is a house of this description, next door to the police station; when every public-house and beerhouse is closed, and the parties are turned out half drunk, they go to this house next door to the station, and remain there all night drinking and carousing, and the police have no power to interfere, because it is a private house.

6845. *Chairman.*] Any excise officer, or any officer having the commission of the Excise, having reasonable cause to know that spirits were sold there, could lay an information against them?—It is not spirits, but ale and porter that is sold.

6846. Sir *G. Grey.*] Just attend to this clause of the 11 & 12 Vict. c. 49, s. 5. "And be it enacted, that it shall be lawful for any constable at any time to enter into any house or place of public resort for the sale of wine, spirits, or other fermented or distilled liquors; and every person who shall refuse to admit, or shall not admit such constable into such house or place, shall be deemed guilty of an offence against this Act." That says nothing about the licence; would it not

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under the clause of that Act be competent to a police constable to enter a place of public resort with a bush over the door for the sale of fermented liquors?—It would be competent to enter the house, but then if he lays an information, no conviction would follow.

6847. Suppose he laid an information for the sale of liquors without the party having a licence, would not a conviction follow on that?—No.

6848. Why not?—Not at Rugeley; the magistrates have said, as there was an old custom, they did not wish to interfere.

6849. Does that depend on a local custom or right existing there during the fair, rather than a defect of the general law?—Certainly it does; the magistrates have the power to fine.

6850. *Chairman.*] This bush is a sign understood by some people, but supposing you found no spirits, or that they had time to conceal them, if you entered would you not be liable to an action for trespass?—Yes; the answer given to the police officer is, "You have no right to come into this house, it is my private house; I am not licensed." I have known a police officer go in uniform and ask for a quart of ale, and pay the money for it just the same as any other person, at this house next door to the station.

6851. Sir *G. Grey.*] How would you remedy it?—By not allowing any person to sell without a licence.

6852. But now persons may not sell without a licence, and the difficulty appears to be in procuring evidence of that offence?—Make it imperative on the police to get evidence, and on the magistrates to convict.

6853. When a house is opened as a place of public resort for the sale of beer or spirits without a licence, and when the police constable himself can now go in and pay for beer and spirits in that house, why do not the police lay an information?—I mentioned, I think, that one information was laid, and no conviction followed.

6854. Was not that owing to the particular custom which the magistrates thought rendered it legal in that case?—Yes, but there was a difference of opinion about that.

6855. Mr. *K. Seymer.*] Have the Excise authorities ever attempted to interfere with these fairs?—I think not.

6856. *Chairman.*] But the Excise have interfered in other parts of the country?—Yes, the Excise officers have interfered; several of the police officers have commissions from the Excise.

6857. Just state the houses where they sell spirits; these are only for the sale of ale and porter?—"There are also 'dram shops,' where persons meet and drink spirits, and are drunk and disorderly the entire night; it is most difficult to detect the parties in selling; no person appears to know where the drink comes from, yet it is had when required;" that is in the north of the county particularly; these are principally illicit spirits.

6858. Is there any notice outside these houses?—No; some party must give information who is likely to go to these places.

6859. If anybody was to enter, they would not find people consuming spirits in glasses?—No, in cups.

6860. Sir *G. Grey.*] The difficulty there is, the difficulty of obtaining evidence?—Yes.

6861. Is there any doubt whatever that these parties are violating the law, and that if evidence were available, they might be convicted of that violation of the law?—No doubt about it.

6862. *Chairman.*] Do any of these houses where they illegally consume spirits, profess to be coffee-shops?—Some do, and in London they do also.

6863. Have you any doubt that spirits are consumed in coffee-shops?—No doubt at all.

6864. And even in London you have seen spirits given in cups?—Yes; I have acquired that knowledge since I came to London this time myself; at 20 minutes past two on Sunday morning I went to a place——

6865. Lord *D. Stuart.*] A coffee-shop?—Yes. I asked for some gin, and the man said, "Yes, you shall have it; but you must drink it out of a cup; we cannot give you a glass, or if the police come in, I shall be fined." This was the landlord; it was 20 minutes past two on Sunday morning, and the house was full at that hour.

6866. Sir *G. Grey.*] It is equally an offence to give spirits out of a cup as out

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out of a glass?—Yes; there was a little milk placed on one side in a cream ewer; and I was instructed, if the constable came in, to put a little of that into it.

6867. Lord *D. Stuart.*] The master asked you who you were?—Yes.

6868. *Chairman.*] This was on Sunday morning?—Yes; I did not see any public-house open.

6869. By law, they could not be open?—No; the man did not go out of the house for it.

6870. Lord *D. Stuart.*] Getting no answer as to who you were, he still served you all the same?—Yes.

6871. *Chairman.*] What were the rest consuming?—I think something stronger than milk and water or tea.

6872. Have you any other suggestion to make, either with regard to these last-mentioned houses or the others?—I have got the names of the parties I mentioned as carrying on beerhouses, who had been convicted of felony.

6873. Sir *G. Grey.*] When you spoke of persons keeping houses who had been convicted of felony, do you mean that the persons convicted of felony themselves have a licence, or that the licence is held by somebody else?—One has a licence, and the other is held by a member of the family.

6874. In the case of that one who has the licence, is not that licence absolutely void in law if he has been convicted of felony?—No, not until notice is given to the Excise Office.

6875. *Chairman.*] If he comes, after having been convicted of felony, to set up a beerhouse in the place where the offence has been committed before, it is always open to the police or the magistrates to give notice to the Excise?—It is.

6876. And upon that the Excise would immediately suspend the licence or refuse it?—They may suspend the licence altogether.

6877. Do you know of instances, where people having been convicted of felony, and notoriously so in the neighbourhood, and yet no notice is sent to the Excise?—There is this one man. There is one person I could name who has got a licence; he was convicted of receiving an immense quantity of stolen goods, and he now still holds the licence.

6878. Is it known in the neighbourhood that he has been convicted?—Yes.

6879. And that he still holds his licence?—Yes.

6880. Mr. *Barrow.*] Is that within your own district?—It is.

6881. Have you given notice to the police?—No, indeed I have not; he was convicted at the quarter sessions.

6882. *Chairman.*] Is that for the reason you have assigned before, that a member of his family would be put into the house?—I know it; because while the man was in custody at Stafford his son held the licence, and just transacted the business in the same way that the father would have done had he been at home.

6883. Why do you refer to the case; is it to show that there is no check on these beerhouse-keepers that have been convicted?—To show that beerhouse-keepers who have been convicted are allowed to carry on trade; there is no person responsible for it; there ought to be some responsible party. It ought to be made imperative on the chief of police, or some other party, to bring all these cases under the notice of the Excise. It should not be left optional with me, or any one else. It should be the duty of the clerk of the magistrates to return all these convictions.

6884. Sir *G. Grey.*] The terms of the Act of Parliament are, "That every person who shall hereafter be lawfully convicted of felony, or of selling spirits without a licence, shall for ever thereafter be disqualified from selling beer and cider by retail;" do you think it ought to be made imperative on the head of the police to enforce that?—Or some other party; the clerk of the magistrates or some other person; it should be made imperative on some officer.

6885. If it is not imperative, still you have the power of laying informations in cases of that kind, and why have you not done it?—You are perfectly justified in asking that question, and the only answer I can give is, that I am satisfied the house will be conducted in a similar manner, just as bad as before, because some party connected with the individual convicted will take the house.

6886. Then if you apprehend that some other member of the family will obtain the licence, what alteration of the law do you think will provide a remedy for that

that?—I think the alteration should be that the person applying for a beerhouse licence should go through all the forms, and be subject to the control of the magistrates, the same as the alehouse-keeper; then there would be no possibility or probability of the bench of magistrates granting a licence for the same house, to the son of a man who was a convicted felon.

6887. Is the remedy of the evil the general one you recommend, namely, that the beerhouse licence should be obtained at the discretion of the magistrates, just as the licence of the publican is now obtained?—Yes.

6888. *Chairman.*] Are the transfers of licences of public-houses at Wolverhampton numerous?—Not very numerous.

6889. Is it the case that publicans do not own the houses that they get licences for?—In many cases they are not the owners, they rent them.

6890. And if they were to have their licence suspended, it would be the owner's interest to get the licence for some other person?—It would, but then the magistrates have the power of refusing.

6891. Have you ever known a case where, from misconduct, a man has left a public-house, and another person has been put into that public-house?—Yes, I think I have; I know one case which at this moment occurs to me, where one man left a house in consequence of a fight in the house; a man was killed, and he lost his licence; another man was put into that house, and it is as well conducted now, as any house in Wolverhampton.

6892. The usual cause for the transfer of the licence is, that the man fails in business, or cannot carry it on?—Yes, or leaves the country.

6893. For some reason or other he cannot continue in the house, and another person is put into it?—With the sanction of the magistrates, I propose in the case of all transfers, that the man should go through the same forms as to character, and also make the application in the usual manner.

6894. If they have given a licence to an indifferent character at first, there is no objection to its being transferred to another person of better character?—No; but if there was the power of transferring from the indifferent character to a good character, it might also be transferred from a good character to an indifferent character. There are cases known of a man of good character obtaining a licence, and then he has transferred it to an indifferent character, because sufficient time is not given to make inquiry into the character of the man to whom it is to be transferred. I propose that one month's notice should be given of every transfer.

6895. Is it the practice at Wolverhampton to inquire into the character of the person to whom the licence is to be transferred?—As much as the time will allow.

6896. The transfer occurs before the annual licensing day?—Yes; there is an intermediate transfer day.

6897. But there is not time to inquire into character?—No.

6898. This might be the case with respect to beerhouses, that a man might misconduct himself, and might be able to transfer his licence to somebody else?—Yes; he might be able to transfer his licence, but then I would require the same time to inquire into character of the in-coming tenant as it took to inquire into the character of the out-going tenant.

6899. That need not be with respect to the transfer to a member of his family; if one man had been convicted, it does not follow that all his family should be bad?—No.

6900. The magistrates might transfer it from one member of the family to another, whose character was good?—I would leave that optional with the magistrates.

6901. Sir *G. Grey.*] Does the licence add largely to the value of the public-house in Wolverhampton?—It increases the value.

6902. With reference to the amount at which public-houses are rated at Wolverhampton; is the increased value taken into account in the amount of ratable value?—These are houses that have had licences for a considerable time; but no matter what licence they have, they can never increase the value if the locality is bad and the house is bad.

6903. If the licence was withdrawn from one of these houses, would not the ratable value be diminished?—I think the ratable value would be diminished by withdrawing the licence from it.

6904. Mr. *Brown.*] Would it not contribute greatly to these houses being properly conducted, if in addition to the larger sum being paid for the licence, they had to find respectable bondsmen, would not the bondsmen take care that

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the parties for whom they become security were respectable?—No, I think not; formerly when there was a bond, and the magistrates had the power of inflicting a fine of 5*l.* for an offence against the licence, you very rarely saw that carried out. The magistrates would never inflict a penalty to the amount of the bond, when they are now so reluctant to inflict the small penalty of 5*l.*

6905. If the licence was withdrawn, I would not leave the power of inflicting the penalty of the bond in the hands of the magistrates, but in the hands of the Excise, and it should be their imperative duty to sue for the penalty when the licence was refused?—If I can judge from the manner in which the Excise carry out their duties with regard to theses offences now, I should say, certainly not. It is very little matter to an officer of Excise whether a town is in a state of turmoil or quiet.

6906. There seems to have been a little discrepancy in your former evidence. You stated that there 13 convictions in one case, and that the party paid upwards of 50*l.*; you stated afterwards that no person was ever fined more than 2*l.*; now the 13 convictions would only make 26*l.*?—That is quite capable of explation; I stated the sum of 50*l.*; I intended to have said about 30*l.* He paid the full amount of the fines, and the costs in many cases came to more than double or treble the amount of the fines. I could make a calculation, showing to a farthing what that one man paid. He was fined 13 times, and he paid the fines and the full amount of the costs.

6907. Mr. *Barrow.*] What are the ordinary costs?—With two oaths there would be 10*s.* 6*d.*

6908. Mr. *Brown.*] You stated that there was great difficulty in proving who were travellers; would it not be sufficient proof, if the individual who claimed to be a traveller had not slept in that township the previous night?—Yes; but you may find many persons who are travellers, and who have slept in the township during the night.

6909. *Chairman.*] Would you recommend that the licence of the beerhouse-keeper should be indorsed with the conviction every time it took place, on the same principle as the publican?—Yes.

6910. And would you have the licence produced to the magistrate, whenever the man was informed against?—Yes.

6911. So that he should know by that, whether he had been convicted, how often, and for what?—Yes; the magistrate knows now whether a conviction has taken place; a man having a licence now must produce it under a penalty of 5*l.*

6912. Sir *G. Grey.*] Does the indorsement now, on the publican's licence, state the offence for which he has been convicted; this memorandum you have handed in to the Committee does not do so; it only states the amount of the fine?—It states, July 4th, 40*s.* and costs, and then the initials of the magistrate or his clerk or chief constable follow.

6913. There is no information given as to the nature of the offence for which the party is convicted?—No; but the book is always there, and a reference to what occurred before the magistrates on the 4th July, and the particulars of the evidence, is there stated at full length, also the report of the constable.

6914. *Chairman.*] How long have you known Wolverhampton?—More than 10 years.

6915. Do you observe an improvement in the general conduct and demeanour of the people?—Yes.

6916. Notwithstanding the report made of the amount of drunkenness, do you consider, on the whole, that the people are better conducted?—Yes, I have no doubt about it; there are more schools.

6917. Are there fewer crimes committed of a grave character?—Yes; I can state what is an extraordinary fact, that we have had no serious crime in Wolverhampton for three years; there has been no burglary for two or three years.

6918. During that time they have been much better off, and employed?—Yes; we have a great many parties during our fairs and races who come from Liverpool, Manchester and Birmingham; but a very good system has been adopted, namely, police officers from the different towns are sent round, and have a very good effect indeed; I find it very beneficial.

6919. The benefit of that is, that they are familiar with persons who are well-known thieves?—In their own towns.

6920. And they communicate with you?—Always.

6921. *Chairman.*]

6921. Was not the offence of burglary very frequent in that neighbourhood?—I have known as many as 10 a week in Wolverhampton.

6922. Do you believe there is any diminution with regard to other offences?—Decidedly, there is a diminution of crime in Wolverhampton.

6923. But there is still a tendency to drink on receiving better wages?—The wages there are enormous; men get 3*l.* or 4*l.* a week; there are three railways in course of construction, and they employ an immense number of navigators, and those people get drunk on Saturday night and Sunday.

6924. Sir *G. Grey.*] Notwithstanding that, is there a general decrease of crime?—Decidedly.

6925. *Chairman.*] You say they are improving; is education extending there?—Yes.

6926. There are more schools, and they are better attended?—There are new schools for a large number of children; several schools are being established and increased every day.

6927. By voluntary subscriptions?—Yes; Mr. Leigh, stipendiary magistrate, and three or four gentlemen at Wolverhampton, have established a ragged school, which is attended by a large number of boys and girls, who were unable to get admission into schools previously.

6928. Why were they unable to get into schools previously?—Because they would not be allowed from their ragged state, and their clothes not being clean.

6929. What wages are their parents earning?—Their parents earn very good wages, but they will not pay for them; now they are induced to go to school; they have only to pay one penny per week, and for that they are taken care of, and provided with books; it is a large building, and all got up by private subscriptions.

6930. Is there any class of persons in Wolverhampton who would be unable to pay for the education of their children?—The Irish are the poorest class; they would be unable; there are more than 6,000 at Wolverhampton.

6931. Are there many Irish in those ragged schools?—A great many.

6932. Are there any Temperance societies at Wolverhampton?—Yes, several.

6933. Are the members numerous?—I think they are.

6934. Have the Irish increased of late years?—Vey much.

6935. Are the cases of disturbance chiefly among them?—Chiefly; I have frequently been obliged to remove the men off duty in different parts of the town and congregate them in the neighbourhood of the Irish; I have been there with 25 men, with cutlasses drawn, all day on Sunday.

6936. Sir *G. Grey.*] What is the attraction to the Irish, the nature of their employment?—Iron works, coal-pits, masons, bricklayers and bricklayers' labourers.

6937. If all these sources of employment are open to them, how is it that they have so little money that they cannot pay for the decent clothing of their children, or for the education of their children?—They are very improvident, and spend a great deal of money in a way they should not

6938. Do they earn a sufficient amount of wages to enable them to provide for their children?—Decidedly they do.

6939. Is there a large class of persons in Wolverhampton whose poverty prevents them providing for the clothing and education of their children?—Certainly not; trade is good in that neighbourhood.

6940. *Chairman.*] The Irish are very useful there?—Yes.

6941. Their labour is very much required?—Yes; at Chillington works they employ a vast number, and at Mr. Thorneycroft's.

6942. Do the Irish, who have dwelt there some time, improve at all in their habits?—Yes.

6943. But those who have come recently from Ireland bring their habits with them?—Yes; they come from Mayo, Roscommon and Sligo, generally. There is a place called Carribee Island, which is filled with them, and you will see 500, 600, or 700 of these fellows in the streets, and directly the police come, in five minutes they are all away.

6944. Lord *D. Stuart.*] What wages do these Irishmen earn?—12 *s.*, 14 *s.*, 16 *s.*, 18 *s.*, and 26 *s.* per week.

6945. What are they employed at?—Bricklayers, and bricklayers' labourers, and at the different iron works; some go into the pits and become miners.

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6946. What are those men employed at that you spoke of as earning 3 *l.* or 4 *l.* per week?—Puddlers; men working in the iron works.

6947. *Chairman.*] Are there no houses of public entertainment at Wolverhampton but the beerhouses and public-houses, and one theatre?—There is one theatre.

6948. Sir *G. Grey.*] Are there no public grounds open to them for out-door amusement?—No; there is nothing more required than such a place; there is such a place through the kindness of Mr. Gifford, of Chillington: his park is thrown open to them; and although it is seven miles from Wolverhampton, thousands avail themselves of the opportunity of going there on Sundays and week-days; they go by rail, by gigs and cars, and many people walk there.

6949. *Chairman.*] Exclusive of that, have the public-houses in Wolverhampton any rivals in the shape of places of innocent amusement?—They have not.

6950. If there were such places of innocent amusement open to the working classes, would there be less drunkenness?—There can be no question of it; I have watched carefully a place of that description in Liverpool, and it has had a very beneficial effect.

6951. Sir *G. Grey.*] You spoke of the Irish living in a particular part of Wolverhampton, and in a large numbers; is the Common Lodging-house Act enforced there?—Yes, strictly.

6952. What has been the result of that Act on the habits of the people?—Very good; where they were filthy and dirty, and the houses not fit to go into some six months ago, they are now whitewashed and clean, and do not afford accommodation to anything like the number of people that they did heretofore; I accompanied my Lord Ingestre through some of those houses not long ago. The Act is now in full operation, and it has had the effect of driving many families out of that locality, who were poor Irish, into other parts of the town, where they have taken better houses. Several convictions, with fines varying from 10*s.* to 40*s.* and expenses, have taken place for having a greater number of persons in the houses than allowed by the Lodging-house Act, and for not having the houses perfectly clean, whitewashed, and regulated according to the provisions of the Act.

6953. Did the illicit sale of beer or spirits take place in those lodging-houses before they were open to inspection?—Yes.

6954. Has that been stopped by the provisions of the Act?—I have heard so, to a great extent; parties coming from Ireland invariably bring spirits with them, and it is sold in those houses; in fact, some instances have been known where parties have been drunk, and serious disturbances have taken place immediately after the arrival of some parties from Ireland, who brought a quantity of whiskey with them.

6955. Has that practice been checked by the inspection to which these houses are now liable?—Yes, very much so; the inspector of lodging-houses is a very intelligent man, and he is constantly there.

6956. *Chairman.*] Is that officer appointed under the Act?—Yes, and placed under my control.

6957. Mr. *Barrow.*] Are there any mechanics' institutions in Wolverhampton?—There is one, and the first stone of another was laid by Lord Hatherton the other day.

6958. Does that afford instruction and amusement to the working classes?—Yes; we are going to have a school of practical art, and large contributions have been given.

6959. Is that taken advantage of by the working classes, or by the class above the working classes, clerks and others?—Yes, drapers' assistants, and others.

6960. Is it more a convenience to that class than to the working classes?—Yes.

6961. *Chairman.*] Is there a place called the Athenæum?—Yes; but the new place is to be a school of practical art, and it is intended to connect with that a place for parties to assemble; the Athenæum is now too small to hold the number who would go there.

6962. Sir *G. Grey.*] Do you think when this improvement is made, that it will be frequented by the working classes?—Yes; and my reason is, that on many occasions, when they have had lectures at the Athenæum, I have seen hundreds of people go away who could not gain admission; the room was filled; parties in their working dresses were obliged to go away.

6963. Is

6963. Is any charge made for admittance on those occasions?—Sometimes; and at other times the admission is free.

6964. Notwithstanding there is a charge, is there a great desire on the part of the people to obtain admission?—No doubt, and many go away.

6965. *Chairman.*] The district around is very much in the same state at Wolverhampton?—Yes.

6966. Excessively populous?—Yes.

6967. Including Dudley and that neighbourhood?—It is a very populous place, the same as Wolverhampton.

6968. Sir *G. Goodman.*] Have you tried the principle of cheap and popular concerts at Wolverhampton?—No; we have had no concerts at Wolverhampton, at least we have had no cheap concerts. They are rather too high; they charge sixpence to the Promenade, and working people consider that too much; it should be twopence. It is generally 2*s.*, and 1 *s.* 6 *d.* and 6*d.*

6969. Is there anything further that you wish to suggest?—There is one thing I would desire to say with reference to some evidence I heard a reverend gentleman give on last Friday, as to beerhouses having brothels attached.

6970. Sir *G. Grey.*] That was the Rev. Mr. Clay's evidence as to Preston and Blackburn?—We have had a code of bye-laws established for Wolverhampton, which have acted very well indeed. This is the 45th; "Every person licensed to deal in spirituous or fermented liquors, who shall knowingly supply any spirituous liquor to any boy or girl, apparently under the age of 14 years, to be drunk by such boy or girl upon the premises." Then the 46th is, "Every person who shall knowingly permit or suffer the dwelling-house or premises in his holding or occupation, or any part thereof, to be used as a brothel, or shall harbour or encourage prostitutes to remain or reside therein, for the purpose of prostitution." Several convictions have taken place under those bye-laws.

6971. By whom are those bye-laws made?—They are signed by the town clerk, and submitted to the Secretary of State for the Home Department, and by him approved. They are intituled, "Bye-laws and Regulations for the good rule and government of the borough of Wolverhampton, and for prevention and suppression of nuisances, made pursuant to the 5 & 6 of Will. 4, c. 76, s. 90."

6972. That is the public Municipal Corporation Act?—Yes; it would be very beneficial if they had a similar code of bye-laws at Blackburn, and then the evils which the reverend gentleman complained of could not have existed.

6973. Is that bye-law effectual for the prevention of these beerhouses or low public-houses being turned into brothels?—No doubt. The parties are taken before the magistrates and there fined, and the conviction is followed up by an immediate distress, if the party is not prepared to pay the money; and several convictions have taken place.

6974. *Chairman.*] You heard Mr. Clay state that he thought if beerhouses and public-houses were closed altogether on Sunday, it would meet with the approbation of all classes in Preston?—Yes.

6975. Could you go to that extent in Wolverhampton?—I entirely disagree with Mr. Clay; there would be a resistance to closing the public-houses and beerhouses. It would be met with great resistance on the part of the beerhouse-keepers, and the public-house keepers, and by the inhabitants, and by myself; I do not think it would be right.

Veneris, 8° *die Julii*, 1853.

MEMBERS PRESENT.

Mr. Villiers.	Sir G. Goodman.
Sir G. Grey.	Mr. Barrow.
Mr. W. Brown.	Lord Dudley Stuart.
Sir J. Pakington.	Lord Ernest Bruce.
Mr. Ker Seymer.	Mr. Gregson.

THE RIGHT HON. C. P. VILLIERS, IN THE CHAIR.

Captain *William Charles Harris*, called in; and Examined.

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6976. *Chairman.*] ARE you Chief Constable of the county of Hampshire?—I command the constabulary force of the county of Hants.

6977. How long have you done so?—For ten years.

6978. From the time the county constabulary were first established?—Three years after it was first established.

6979. You have given evidence before the Lords' Committee on the subject of beerhouses?—I have.

6980. Chiefly on the subject of beerhouses?—Yes.

6981. You stated then that you found considerable difficulty in procuring convictions for offences arising out of beerhouses: does that difficulty continue?—Not to such an extent.

6982. Just state to the Committee what you have observed with respect to these beerhouses, and what is their effect now, under the vigilance of the police, to which they are subject?—I think, under the inspection of the police, they are very much improved within the last ten years.

6983. Since you have known the county you have found they have improved?—Yes; I consider the constabulary has had the effect of improving the good order maintained in these houses.

6984. Is that under any apprehension on the part of the beerhouse-keepers that the police will inform against them if they offend against the law?—The certain conviction that they will have an information laid against them.

6985. What is the course adopted by the police with the view of watching the conduct of beerhouses; do you speak of the whole county?—Yes; they constantly visit beerhouses, particularly about the hours of closing.

6986. The beerhouses in the rural districts are in places where they are thinly peopled, and out of the way of the high road?—They are in some instances.

6987. Do you give the directions to, or is it the duty of the police, to visit these houses that lie out of the way of the road?—Yes, certainly; the police visit all beerhouses, not every night, but a man visits three or four houses of a night, in different parts of his beat.

6988. Are they in the general expectation of being visited by the police in this country?—Yes; and keep a constant watch, to give timely notice if there is any misconduct going on inside, in order that it may be stopped.

6989. What is the misconduct that is generally observed to go on in these beerhouses?—Drunkenness chiefly; and in towns they encourage prostitution. In the rural districts, beerhouses are frequently the resort of poachers; and many a poaching expedition takes its origin from meetings at these houses.

6990. You would not say that there would be no poachers if there were no beerhouses; but there being poachers, they go to a public-house?—Yes, where they are not likely to be seen; poachers are more likely to frequent a beerhouse than a public-house, on account of the keeper of a beerhouse being, generally speaking, in the rural districts, very little above the class in life of a common

common labourer, and therefore he has less influence over his customers than a publican would have.

6991. This is no offence against the law, that the persons who go there to consume beer have an ulterior object, known to themselves, of going to poach afterwards?—Decidedly not.

6992. You have observed that such characters go to beerhouses, but that is not what you complain of; you do not inform against them for that?—Certainly not; if a beerhouse-keeper permits drunkenness or disorderly conduct in his house, an information is directed to be laid against him.

6993. Did that use to be the case, that drunkenness was permitted in these houses, and now, apprehending an information, they are careful in supplying drink in excess to their customers?—I do not think, previous to the establishment of the constabulary, that these beerhouses were strictly looked after.

6994. Have you observed that there has been less drunkenness during the last 10 years in these beershops?—Beerhouses are much better conducted now than formerly; less disorderly conduct is witnessed, and fewer informatins are consequently laid.

6995. What sort of offences are committed in these beerhouses, that may be supposed to be occasioned by the beerhouses being ill-managed?—Chiefly drunkenness; in some few instances women assemble in the houses, but that is more in the seaports.

6996. Women of bad character?—Yes.

6997. If you see people drunk in any beerhouse, or if any of the police see drunkenness going on in these beerhouses, do they inform against the beerhouse-keepers?—They always report it to the superintendent of the division, and he invariably lays an information.

6998. What follows; is he summoned before the magistrates?—Brought before the magistrates, and if the case is proved the parties are fined.

6999. The penalty being in the discretion of the magistrates?—Entirely.

7000. And the penalty usually paid?—Yes.

7001. Paid by the beerhouse-keeper himself?—Yes, generally speaking; I have no reason to think otherwise.

7002. Do the magistrates ever inquire whether a person has been previously convicted?—They generally make inquires upon that point.

7003. Does the penalty vary with that?—Certainly.

7004. Do you consider that the beerhouses in the county over which you have jurisdiction are the cause of any evil that would not exist without these houses?—I consider they tend to demoralise the population; there is a great deal more drinking now than there used to be, previous to the passing of the Beer Act.

7005. Do you state that from your previous acquaintance with the county?—I cannot say that I do; I cannot state that of my own knowledge; I was unacquainted with Hampshire previous to my coming into office.

7006. Sir *G. Grey.*] Is your experience of the county of Hampshire during the 10 years you have been chief constable?—Yes.

7007. I understood you just now to say that during that period drunkenness has decreased?—The number of persons taken into custody for being drunk and disorderly has materially decreased within the last few years.

7008. *Chairman.*] Make that clearer?—I do not mean to say that drunkenness has decreased, but the beerhouses are better conducted, through fear of the police.

7009. As far as I understand you, drunkenness continues; indeed, you say that it is on the increase, or has been; do I understand you to say that?—No, I do not say that it is on the increase in our county; there would doubtless be more drunkenness permitted in beerhouses, if the keepers had not a wholesome fear of the police.

7010. Then you have no authority for stating that drunkenness was increasing in the county of Hampshire?—No, I did not state that.

7011. We want to know what you observe in these beerhouses, as causing any evil in the county that would not exist if they were not there?—I should say that if they were public-houses, the publican would have more influence over his customers.

7012. That the beerhouse-keeper has not sufficient influence over his customers in doing what?—In maintaining order and preventing drunkenness.

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7013. Then we may infer that there is more disorder in a beerhouse than in a public-house?—Yes.

7014. Why has a publican more power than a beerhouse-keeper?—I think that a more respectable class of persons frequent public-houses than beerhouses.

7015. Then it is owing to the character of the customers, not owing to the power of the publican?—People who frequent beerhouses desire to avoid, if possible, being seen by their employers; they might come in contact with them, if they went to public-houses.

7016. Then you think it is owing to the low character of the persons that go to the beerhouse, that causes more disorder in the house?—Yes.

7017. That is not occasioned by the beerhouse, but by the existence of a lower order of persons?—A lower order of persons frequent the beerhouses.

7018. If there were no beerhouses, this lower order of persons would exist?—Yes; but they would go to the public-houses.

7019. And then the public-house would have the same customer as the beerhouse?—Yes.

7020. Have you ever known any county where there was no police, since the Beer Act passed, where beerhouses have existed, and can you tell us what the difference is where the rural police exists, and does its duty, contrasted with the county where there is no police?—Yes; I can mention a case in point, in the adjoining county, Berkshire.

7021. Is there no rural constabulary in Berkshire?—There is no constabulary in Berkshire.

7022. You have some acquaintance with that county?—Yes; it is the adjoining county to ours. In 1850, in consequence of the numerous robberies that occurred on the borders of the county, in Berks and Surrey, some extra men were sent from other parts of the county; the superintendent of the Baiham division being unable to procure lodgings for a police constable in the parish of Eversley, Hants, he allowed this constable to lodge at a beerhouse in the parish of Finchampstead, Berks. The police constable found the beershop open nearly the whole of the night, the parish constable being a frequent visitor and customer of the house. This beershop has since been licensed as a public-house.

7023. Do you know anything further of the beerhouses of Berkshire?—No. At the time to which I allude, which was previous to the establishment of the constabulary in Surrey, the beerhouses in the parish of Frimley were open nearly all night. My superintendent reported this fact at the time to one of the Surrey magistrates.

7024. Sir *G. Grey.*] Did you find on the borders of Surrey and Berkshire that the amount of crime was greater than in other parts of the county of Hampshire?—Considerably greater.

7025. Do you attribute that to the want of police in those two counties, and the consequent disorder in beerhouses?—Entirely so.

7026. *Chairman.*] Then it is impossible, if the police are vigilant, for the beerhouses to be kept open all night?—I think not; I should say it is impossible.

7027. You do not believe that, in the county of Hampshire, this is a common practice?—No, I am sure it is not.

7028. If crime and disorder were to occur, it would be most likely during those hours of the night when people are little about?—Yes; but it is impossible to say at what hour of the night crime will occur.

7029. Sir *G. Grey.*] Do you think that the fact of the beerhouses being open all night, tends to the increase of crime?—Certainly.

7030. *Chairman.*] Now is there any other offence in Hampshire which, owing to the vigilance of the police, has been arrested there, and which used to be committed in the beerhouses, such as Sunday trading or gambling, or having women of bad character there, or harbouring notoriously bad characters; do you think that the vigilance of the police is sufficient to arrest that evil?—Yes; I think there is very little of that going on now. I can only call to mind one case, that of a beerhouse at Gosport which was formerly a public-house. The party was convicted for permitting disorderly conduct, and I indicted the house afterwards as a brothel. It is now turned into a beerhouse.

7031. Does it continue to be a brothel?—No, it is not so badly conducted now as it was formerly, but women constantly frequent the house.

7032. When it was a public-house you indicted it as a brothel?—Yes; but I laid

I laid an information before the magistrates first; and the parties were convicted and fined 10 *l.*, this being a second offence.

7033. Was there any application for a renewal of that licence?—Yes; but the magistrates refused to grant it.

7034. Have you laid any information against the beerhouse?—No, we have not; we have not yet been able to get sufficient evidence to convict them.

7035. Mr. *Barrow.*] Was the same man licensed to keep a beerhouse?—The same man.

7036. The same man who had been convicted and deprived of his licence as a publican?—Yes.

7037. *Chairman.*] You did not indict him under any Act that regulates public-houses or beerhouses, but you indicted him as keeping a brothel?—Just so.

7038. And you believe that the same person perseveres in the same course?—There are women constantly in the house, but we have not at present been able to get sufficient evidence to convict him.

7039. Sir *G. Grey.*] Is it not the case at Gosport, that women are constantly found in public-houses?—They used to be more than they are at present.

7040. Do you mean that through the efficiency of the police, the public-houses, as well as the beerhouses, of Gosport, are better conducted?—They have been better conducted within the last three or four years.

7041. *Chairman.*] Do you ascribe that to the greater watchfulness of the police?—I ascribe it in a great measure to having succeeded at last in obtaining sufficient evidence to convict them before the magistrates.

7042. Sir *G. Grey.*] Has that evidence been obtained through the agency of the police?—Yes, entirely.

7043. *Chairman.*] What are the convictions generally for?—For permitting drunkenness, or people of notoriously bad character to assemble in their houses.

7044. Do you bring them before the borough magistrates?—No; Gosport is a portion of the county.

7045. Have you jurisdiction over Portsmouth?—No; Portsmouth is not under my jurisdiction.

7046. Why is that?—Portsmouth is a borough.

7047. Subject to the local police?—Under the municipal authorities.

7048. Have they a local police?—Yes.

7049. Do you know anything of the management of the houses there?—Nothing whatever.

7050. Mr. *Barrow.*] Do you say that in Hampshire there are many beerhouses in that sort of secluded and solitary situation in which the public cannot require that accommodation?—I imagine there are.

7051. Which are used in that case by men who assemble there to arrange their plans, not merely for poaching, but sheep-stealing and burglary?—Yes; it has been frequently the case that sheep-stealers have been apprehended in low beerhouses, and afterwards convicted.

7052. And who may use those beerhouses for the purpose of continuing until such a period of the night that it would be convenient for them to go out?—Yes.

7053. If those houses exist in Hampshire, it is in the sort of situation that you have described in the earlier part of your evidence?—Yes; there are many houses in secluded places, and places where the population is limited.

7054. The population is so small as not to require the accommodation?—Yes, sheep-stealers and others frequent these houses until such periods when respectable people have gone to rest, when there is more facility for committing offences.

7055. Sir *G. Grey.*] Is the Committee to understand that there has been a diminution of that class of crime which, in your opinion, originates in those beerhouses?—Yes, I think there has; there are not near the same number of convictions now against beerhouses as there used to be when the constabulary was first appointed.

7056. You are of course aware of the places in which those beerhouses are kept?—They are in all parts of the county.

7057. Are beerhouses in those secluded places subject to the same control on the part of the police?—Yes, they are constantly watched by the police.

7058. Sir *G. Goodman.*] You drew some comparison between the number of convictions and of the offences which were committed in Berkshire, as contrasted with those committed in Hampshire?—I think not. I mentioned one

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case of a beerhouse in Berkshire which came to my knowledge, as having been kept open all night.

7059. You stated there was a greater amount of crime committed in Berkshire than in Hampshire?—I consider that crime in Berkshire far exceeds that in Hampshire, and that at least 90 per cent. of that crime is undetected.

7060. The effect of your active constabulary force must be to drive out the rogues and dissolute persons into other parts of the kingdom?—I think vagrants in all probability would shun or abandon our county.

7061. Sir *G. Grey.*] You stated that a good many informations had been laid by the police against the keepers of those beerhouses for disorderly conduct?—There have been informations laid. I have a return here of the number during the last year.

7062. *Chairman.*] What is the return; of beerhouses?—The number of public-houses and beerhouses.

7063. The whole number in the county?—Yes.

7064. Sir *G. Grey.*] Exclusive of Portsmouth and Southampton, which are municipal boroughs?—Yes.

7065. Are there any other boroughs besides Portsmouth and Southampton in the county?—Yes, Winchester, Romsey, Newport and Basingstoke; those are the only boroughs that are not under my jurisdiction.

7066. What is the whole number of beerhouses and public-houses?—Eight hundred and fifty-three public-houses; 526 beerhouses licensed to consume on the premises, and 102 licensed to consume off the premises.

7067. Does that paper contain a return of the convictions of those several classes of houses during the last year?—This paper contains a return of the number of public and beerhouses in the county of Hants, with the charges brought against them, and the result of the proceedings during the year 1852.

7068. *Chairman.*] The nature of the charges is in one column?—The number charged with being disorderly, and the result of the proceedings against them.

7069. Is the nature of the charges there?—No, they are not specified.

7070. Sir *G. Grey.*] Do you distinguish in the return between disorderly conduct and the charge of selling beer during illegal hours?—No; these are offences against the tenor of the licence; the nature of the charge is not specified.

7071. Under what Act are the informations laid, do you know?—Under the 3d & 4th Victoria, chapter 61.

7072. What is the highest penalty which can be imposed under that Act upon a beerhouse-keeper for disorderly conduct?—I think for the third offence it is 50 *l.*; I speak from recollection.

7073. What is the result of a conviction generally before the magistrates in Hampshire?—Do you mean a conviction of a beerhouse-keeper?

7074. What penalties do they impose?—The beerhouse-keepers are scarcely ever fined the full amount of the penalty for the first offence.

7075. What for the second offence?—I have known some instances, one or two cases, where they have been fined the full amount of the penalty.

7076. When a beerhouse-keeper is informed against a second time, do you give legal evidence of the prior conviction?—Yes.

7077. And the same with respect to any subsequent information?—Yes.

7078. *Chairman.*] State what evidence it is which you give?—The convictions are lodged in the office of the clerk of the peace, and we get a certificate of the conviction from the office of the clerk of the peace.

7079. Sir *G. Grey.*] Do you find any difficulty in procuring that evidence?—None whatever.

7080. *Chairman.*] The previous conviction is always transmitted to the clerk of the peace?—Yes.

7081. Sir *G. Grey.*] Is there any expense attending the procuring of that evidence, which creates a difficulty in the way of presenting it to the magistrates?—No, I think not.

7082. You find practically, then, no difficulty in giving evidence before the magistrates of prior convictions?—No; it has never been reported to me that there is any difficulty.

7083. *Chairman.*] Is it the custom to inquire for them by the magistrates?—The superintendents of the several divisions invariably procure the certificate if they know that a man has been previously convicted.

7084. Do

7084. Do the magistrates ever declare a licence forfeited?—Yes, they do in some instances.

7085. Sir *G. Grey.*] The houses have been shut up in consequence?—They generally open as beerhouses.

7086. We are speaking of beerhouses. There is a provision in one of the Acts which authorises the magistrates, if they think fit, on a second or third conviction, to adjudge that the house shall be closed against the sale of beer for two years; have you ever known that provision of the law enforced?—I cannot recollect that I have.

7087. Has the result of those repeated convictions in any case been the closing of the house?—I cannot call to mind a single case.

7088. *Chairman.*] Does it often happen that the keeper of one house is frequently convicted?—I have heard of parties being convicted twice.

7089. You are not familiar with cases where the convictions have been more numerous than that?—No, I cannot call to mind any.

7090. Sir *G. Grey.*] You have stated the number of public-houses and beer houses in the county of Hampshire, irrespective of the municipal boroughs, in 1852?—Yes.

7091. Can you state the number of informations laid against each class of houses enumerated?—There were 18 informations laid during the year 1852 against licensed victuallers.

7092. Can you give the result of the informations?—Fifteen were convicted, and three discharged.

7093. Can you give the same information with regard to beerhouses?—There were 27 informations against beerhouse-keepers; 26 were convicted, and one discharged.

7094. *Chairman.*] Can you state anything about the offences for which they were convicted?—I cannot; I will procure the information if the Committee desires it.

7095. Do you happen to know whether they were the same sort of offences for which the publicans are informed against and convicted?—Yes, I imagine so; for offences against the tenor of their licence.

7096. Is it chiefly that of keeping the house open after the hours prescribed by law?—And for allowing disorderly conduct.

7097. The same in both classes of houses?—Yes.

7098. Sir *G. Grey.*] Does not the county of Hampshire comprise a great variety of districts, as to the nature of the population, and the habits of the districts, seeing that seaports are included in it, and also very secluded country districts, which are purely agricultural?—Yes; seaports and secluded agricultural districts, as well as extensive forest lands.

7099. Are you able to state the relative number of convictions in the different districts of the country, to show whether they have taken place chiefly in the agricultural or chiefly in the town districts?—This return shows the different divisions in which parties have been convicted.

7100. In which division of the county have the most numerous convictions taken place?—One district is that in which the seaport town of Gosport is situated; three convictions took place there, and three convictions likewise in the agricultural district of Kingsclere.

7101. *Chairman.*] There are three convictions of public-houses in the rural district?—Yes.

7102. Sir *G. Grey.*] How is it as to beerhouses?—There are four beerhouse-keepers convicted in the populous district of Gosport; six in the neighbourhood of Southampton, which is likewise a populous district; and six in the purely agricultural district of Winchester.

7103. Can you state the number of beerhouses and public-houses in those respective districts?—There are 158 public-houses in the division of Fareham.

7104. Does that include Gosport?—Yes.

7105. It is out of those that three convictions took place in 1852?—Yes.

7106. How many beerhouses?—There are 105 in the Fareham Division licensed to sell on the premises, and 15 licensed to sell off.

7107. How many convictions were there out of that number?—Four beerhouse-keepers convicted.

7108. Just give the same information with regard to the other districts which you mentioned just now?—In the district of Kingsclere there are 34 public-

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public-houses; three were convicted; there are 41 beerhouses licensed to sell on the premises, and only one convicted.

7109. *Chairman.*] Which were public-houses in a rural district?—It is the rural district of Kingsclere of which I am now speaking.

7110. Sir *G. Grey.*] Then it appears that the proportion of convictions, both as to public-houses and beerhouses, is greater in the agricultural district than in the town district?—Yes.

7111. Mr. *Barrow.*] You stated that your informations were all laid under this Act of the 3d & 4th Victoria?—Against beerhouses.

7112. By that Act of Parliament there is only the penalty given which I called your attention to under the former Act, the 1st of William the Fourth, for keeping open after hours, and disorderly conduct?—Yes.

7113. I want to ask whether the police ordinarily lay their informations under the clause which imposes a penalty of 40 *s.* for keeping open after hours, or whether they go to the other clause, by which the magistrates are enabled to forfeit the licence; I understood you to say that you lay them under the 3rd & 4th Victoria?—Yes; chiefly under that Act. The superintendents generally consult the magistrate's clerk as to which Act they shall lay the information under.

7114. Mr. *K. Seymer.*] Do you happen to know whether the beerhouse-keepers who obtain a licence for the consumption of beer off the premises evade it by selling it upon the premises?—They do; I know of several instances.

7115. Have you had any conviction for that offence?—Yes; we have frequently convicted parties.

7116. *Chairman.*] That would be an offence against the revenue laws, would it not?—It is an offence against the revenue laws.

7117. They pay less for a licence when the beer is not drunk upon the premises?—They pay less; they pay 1 *l.* when they are licensed to sell beer to be drunk off the premises, and 3 *l.* when they are licensed to sell beer to be drunk on the premises.

7118. Sir *G. Grey.*] Can you put that return in from which you have given that information?—Yes. (*The same was delivered in.*) *Vide* Appendix.

7119. Have you any similar information with regard to any previous year in which you have been chief constable?—No, but I can procure it.

7120. Can you state generally whether the number of public-houses has increased during that 10 years?—I am quite sure they have increased during the last year, to a slight extent; something like 26.

7121. Have the beerhouses also increased in number?—Yes.

7122. What has been the case as to convictions; have the convictions increased or diminished?—I cannot say without referring to the returns.

7123. Mr. *Barrow.*] Do you state that the beerhouse-keepers have usually paid the penalty; have you ever known a solitary instance of their being imprisoned for want of payment?—Never.

7124. Sir *G. Grey.*] What are the regulations which have been made which have led to the improved character of the public-houses and beerhouses, which you spoke of in the first part of your evidence, or what has been the different practice adopted by the police, which has led to that result?—The police strictly look after the houses; and it invariably follows, if an offence is committed, an information is laid. The certainty of that, probably, prevents the commission of the offence.

7125. You have stated that there has been an improvement in the character of those houses, owing to the vigilance of the police?—The first three years that the police were established, there were a great many informations laid, and, comparatively speaking, there are few laid now; I think there is not above a third of the informations laid now that there were formerly.

7126. You attribute that improvement to the existence of the police, and not to any recent change which has taken place as to the conduct of the police?—Entirely to the existence of the police.

7127. How long has the police been established in Hampshire?—Thirteen years.

7128. *Chairman.*] Then you ascribe the improvement in those houses to the fear of an information being laid, and the penalties which are imposed?—Yes.

7129. If you have observed that the public-houses are better conducted than the beerhouses, you ascribe that to the fear of losing the licence?—Yes.

7130. Do you think if there was also the fear by the beerhouse-keepers, besides a penalty being imposed, of losing the licence or having the houses closed, that they would also be better conducted?—My impression is, that they would.

7131. Sir *G. Grey.*] Do you attribute the better conduct on the part of public-houses exclusively to the mode of licensing, and the power which the magistrates have of refusing to renew the licence?—Yes, I think that has great effect with the parties.

7132. *Chairman.*] What have the magistrates done in cases where the public-houses have been convicted, which you mentioned just now; have they renewed the licence?—There has only been one public-house deprived of its licence during the last year.

7133. Sir *G. Grey.*] Out of 15 convictions?—Only one public-house in which the publican was deprived of his licence.

7134. *Chairman.*] You have stated that the beerhouses give facilities for the commission of crime; do you know anything of the comparative amount of crime now or at any former time?—Yes; but I have not the returns with me; I could give the Committee the fullest information on this subject.

7135. Do you state that crime has increased of late years in Hampshire?—No; crime has been decreasing ever since a register of offences was first commenced in Hampshire.

7136. Sir *G. Grey.*] How long has that been?—In the year 1847; since then the number of offences has gradually decreased, as likewise the undetected crime.

7137. *Chairman.*] And the beerhouses, you state, have increased?—Yes, slightly increased. I was looking at the returns for the year previous to this before leaving home, and I perceived there was a slight increase.

7138. Did you know anything of the state of the county before the Beer Act was in force?—No; I knew nothing of the state of the county then.

7139. You have no reason to suppose that the people were less criminal or less disorderly before the year 1830 than since?—I have no means of judging.

7140. You have never heard any account of the riots that took place there in 1829 and 1830, before the Beer Act came into force?—Yes, have heard of the agricultural riots that took place throughout England.

7141. Have you seen any account of the number of convictions just before the time that the Beer Act came into operation in Hampshire?—Yes; at one assizes in our county there were 99 persons condemned to death.

7142. At that time you are aware there were no beer-houses?—No; there were not.

7143. Do you not suppose that people must have found some places in which to assemble and meet together, and concoct their offences, and that those places must have been public-houses, or other houses of a public kind?—Those were times in which the public peace of the country was much disturbed; the people assembled in large bodies, and rioting was carried on openly.

7144. You have no reason for believing that either sheep-stealing or poaching is a new offence in the county of Hampshire?—No; far from it.

7145. Then, if those crimes are still committed, you do not ascribe them exclusively to the existence of beerhouses?—I have no means of judging; but I should say that the number of offences committed in 1840 far exceeded those in 1830; that is a mere opinion; I have no documents to prove it.

7146. Do you know anything of the condition of the people in 1839 and 1840 in Hampshire?—No; I was unacquainted with Hampshire at that time.

7147. You know nothing of the peculiar distress in which the agricultural population were at that time?—No.

7148. Sir *G. Grey.*] Can you give the Committee any information as to the number of convictions for drunkenness?—Yes, I could if I had the criminal returns of the force with me; I was not aware that I should be examined on that subject.

7149. Are you aware, generally, what the result of those returns would be; are those convictions increasing, or decreasing, in number?—The number of persons apprehended for being drunk and disorderly has greatly decreased within the last few years.

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7150. Are there any large towns in Hampshire, except those which you have enumerated as being municipal boroughs?—Gosport is the largest; it contains a population of 16,000.

7151. Sir *J. Pakington.*] Is not that a municipal borough?—No, it is not.

7152. Since you have been chief constable of Hampshire, have you made any attempts to avail yourself of that power in the Police Act which enables boroughs to amalgamate their police with the county police?—Yes; we have two boroughs, who have amalgamated their police with that of the county.

7153. Have you ever been refused by other boroughs?—We have made no applications; we allow the boroughs to make application to us.

7154. Are there other boroughs which have police not amalgamated?—Yes, several.

7155. In those two instances where the amalgamation has taken place, how has it worked?—Exceedingly well.

7156. Satisfactorily?—Very satisfactorily indeed; in the borough of Andover we have had five consecutive maiden sessions.

7157. Has the amalgamation given satisfaction to the inhabitants of the borough?—Generally.

7158. Do you think it has given them the advantage of a good police, at a cheaper rate than they could have had by maintaining one of their own?—I do not imagine that it costs less, but I consider it is a force far superior to any that a borough is capable of establishing.

7159. Sir *G. Grey.*] What is the other borough?—Lymington has just come in.

7160. Was there any police in Andover before the formation of the county police?—Not what I should call a police.

7161. Do you know what the population of Andover is?—About 5,000.

7162. *Chairman.*] Do you know anything of the state of crime at Andover before this amalgamation of police?—Yes; but previous to their coming under my jurisdiction, I can only speak from what I have heard. I understand there were as many as 12 serious offences in one month, such as burglary, highway robbery, and sheep-stealing.

7163. Sir *J. Pakington.*] How long is it since the Andover amalgamation?—In the year 1846 or 1847.

7164. How long is it since the Lymington amalgamation?—Last December.

7165. What police had Lymington before?—None whatever.

7166. What is the population of Lymington?—Two or three thousand.

7167. *Chairman.*] I understand you to say that there have been five maiden sessions at Andover?—Yes.

7168. Were they quarterly sessions?—Yes; not a single prisoner for trial.

7169. Sir *J. Pakington.*] You do not know the statistics of crime at Andover before the amalgamation?—Only from hearsay.

7170. Mr. *Barrow.*] You seemed to hesitate, in answer to a question as to the fear of losing a licence operating on the publican, and causing his house to be better conducted than beerhouses; in the early part of your examination I understood you to say that one reason of the difference of conduct was, that the beerhouses were kept by a lower class of persons?—Yes.

7171. Who obtain licences without that inquiry into character which takes place with regard to public-houses?—Yes.

7172. *Chairman.*] The convictions which you have stated to have taken place do not show that there were more in proportion of beerhouses than of public-houses?—Yes; more convictions in proportion; there are 26 to 628.

7173. Sir *G. Grey.*] Beerhouses?—Yes, and 15 to 853 public-houses.

7174. Mr. *Brown.*] You have stated that those beerhouses in many cases were kept by people in a very humble position of life?—Yes.

7175. In the event of your requiring a larger sum for a licence, would it secure a more respectable class of people; 2 *l.* 12 *s.* is the price of the licence now; supposing it were 5 *l.* or 10 *l.*, would it not prevent a great many of those people from embarking in beerhouses, or at least the fear of losing, or of the licence being taken away, and that they would forfeit their money?—I have not considered the question in that point of view.

7176. Would it not have the same effect as a higher rating?—My impression is, that a higher rating would be the more desirable of the two. If the party occupying the house were rated higher, and the person signing the certificate were

were rated at the same amount as the party occupying the house, I think that would meet the case.

7177. Are you not aware that those certificates are got almost for the asking? They are at present.

7178. How would you prevent that?—Suppose, for instance, instead of the party signing the certificate being rated to the poor at 6 *l.* per annum, you required the same amount of rating as from the party applying for the licence, I think you would get a more respectable class of persons to give a certificate.

7179. Do you not think it would secure a better class of persons if they had to find two bondsmen, who would make it their business to inquire into the character of the party for whom they became bondsmen, and whose bonds would be put in force in the event of the licence being taken away?—I think that might have the desired effect, but at the present moment bonds are seldom enforced.

7180. But it rests with the magistrates now to enforce those bonds?—No; I imagine it rests with the Excise.

7181. At one period, prior to 1817, there was a much larger bond given, which was not enforced?—I really do not know.

7182. *Chairman.*] Do you recommend this higher rating for the person who applies for the beerhouse licence, and also for the person who gives the certificate?—Yes; I consider it would be most desirable.

7183. Would it not be different in different parts of the country?—The rating would be increased according to the population.

7184. Is it not a very uncertain test, owing to the different value of the property and the amount of the rates in different places?—Yes; it is uncertain.

7185. Would it not be almost impossible for a person to get six ratepayers in a particular place, so qualified, to certify that he should have a beerhouse?—I should not say it would be impossible, if the place were sufficiently populous to require a beerhouse.

7186. But there might be a public-house there with sufficient interest to prevent a beerhouse getting a certificate, although the district required a beerhouse?—It might be possible.

7187. You know of no such case as that in Hampshire?—Not of a publican using such influence.

7188. Where the interest to uphold the existing house has been sufficient to prevent the applicant for the beerhouse getting the requisite certificates?—I am not aware of any case of that kind.

7189. Who do those public-houses belong to in your county; to the people who hold them, or to the brewers?—Chiefly to the brewers.

7190. Mr. *Barrow.*] Would not an increase of rating on the beerhouses prevent, in some cases, a village altogether being accommodated?—No.

7191. If the rating was above 6*l.* or 8*l.*, which is the lowest rate at present, it would prevent the village altogether from being accommodated with the sale of beer?—I think not.

7192. Do you think that an increase in the rating of the parties giving the certificates would not materially interfere with their power of getting six persons to sign?—It might.

7193. Sir *G. Grey.*] Does not that depend entirely upon the amount of the increase, which you have not yet stated?—Certainly.

7194. What would you recommend as the amount of the increase in the rating in order to enable a person to obtain a beerhouse licence in a country district?—I should say 10*l.*, 15*l.*, and 20*l.*

7195. What is it now?—£. 8, 11*l.*, and 15*l.*

7196. You would increase the 8*l.* to 10*l.*?—Yes, according to the population.

7197. Do you think that would make any material difference in the character of the persons keeping those houses?—I think it would make a material difference.

7198. A difference of 2*l.* in the ratable value of the house?—Yes.

7199. Do you mean that alone, or taken in connexion with requiring also that the persons signing the certificate should be rated to the same amount?—Taken in connexion with the persons signing.

7200. Do you think there are no villages in Hampshire in which it would be difficult to obtain certificates from six persons who are rated at 10*l.*?—I do not; if there is a sufficient population to require a beerhouse.

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7201. What do you consider a sufficient population in a country district to require a beerhouse?—The beerhouses are very numerous in Hampshire, in parishes where the population is not great.

7202. Are there many parishes with a small population in Hampshire?—I cannot say without reference to the population returns; there are 305 parishes in Hampshire, and the population is 267,085, exclusive of the boroughs.

7203. Sir *J. Pakington.*] Have you had many complaints in Hampshire on the subject of attempts to evade the required amount of rating by collusive arrangements with the overseers?—I am not aware of such attempts having been made.

7204. You have not heard of that?—They have not come to my knowledge.

7205. Sir *G. Grey.*] There is another mode of evasion which has been stated to the Committee, that a man has built a house of a sufficient amount of rating, and obtained his licence, and afterwards has appropriated half of it to another purpose, and used only half as a beerhouse; has that practice come to your knowledge?—I cannot state that it has.

7206. Do you think that practically the present requirement of the law that houses should be rated at 8 *l.* in a country district is sufficient, as far as it goes, for the purpose, and that it is not evaded?—No, I do not. I think the rating ought to be raised.

7207. Do you think that the existing beerhouses are *bonâ fide* rated at 8 *l.*?—Yes, I should say they were.

7208. *Chairman.*] Is there any qualification of rating required for a public-house before receiving a licence?—Not that I am aware of.

7209. You say those houses generally belong to the brewers; then those who hold them are the agents or servants of the brewers?—They are in most cases rented from the brewers.

7210. Are there many transfers of licences?—Yes, very frequently.

7211. Do you attend either at the licensing or transfer days?—No.

7212. Does any person under your direction attend on the licensing day?—The superintendents of the divisions invariably attend.

7213. And make a report of the houses which are licensed?—On the licensing day they make out a list of every public-house and beerhouse in the division; similar returns to these—(*producing some papers*).

7214. And submit them to the magistrates?—They lay them before the magistrates, with their remarks in the margin.

7215. And the magistrates always act on the information the police give them?—Generally speaking.

7216. If a house is reported against, the magistrates do not grant the licence?—I think the magistrates seldom take away the licence.

7217. Notwithstanding the report of the police, the magistrates seldom take away the licence?—They caution the people if the houses are badly conducted.

7218. Are there magistrates who attend particularly to the licensing?—No.

7219. Do they vary in number?—Generally speaking, there is a large attendance of magistrates on the licensing days.

7220. Do their rules vary; sometimes are they more liberal than at other times in granting licences, or have they any fixed rules with regard to granting the applications that are made?—No, I do not think there is any fixed rule.

7221. Some years they give more licences than others?—I think it entirely depends on the requirements of the neighbourhood whether additional public-houses are wanted.

7222. How do the magistrates know that in Hampshire?—From their local knowledge, I imagine.

7223. They do not visit the houses or the places where the licence is applied for?—No, they do not; their local knowledge leads them to a right conclusion, and their decisions are seldom appealed against.

7224. Then they compare notes with each other, and grant those they think proper?—Generally speaking, when there is a fresh application for a licence, some solicitor is employed by the brewer to advocate the granting of the licence.

7225. That is, if it is a brewer's house?—Yes.

7226. And generally successful?—No; that is not by any means certain; if it is a free house, the individual himself attends.

7227. Have you observed that the brewer's solicitor is generally successful in

in applying for a licence?—No, I have not; it frequently happens that there are more licences refused than granted.

7228. What is the proportion of those that are granted to those that are not?—I cannot say.

7229. There are a great number refused each year?—Yes.

7230. Does anybody attend on the part of other public-houses then existing to resist new houses being established?—That is seldom the case in Hampshire; but I have known instances to occur.

7231. Do the magistrates consider they ought to protect existing interests?—No, I do not think the magistrates take that into consideration; I think they take the requirements of the neighbourhood.

7232. As they have been able to learn them?—Which they arrive at from their own local knowledge.

7233. Sir *G. Grey.*] Is this return which you have given of public-houses a monthly return, comprising all the public-houses within your jurisdiction?—It is an annual return; I merely produce it to show the manner in which the superintendents place their returns before the magistrates in petty sessions on licensing day.

7234. I see a column in this, headed, "How conducted, and if fined." On looking through it, I do not see the record of a single conviction on this head; how do you account for that?—There does not appear to be any.

7235. Ought not that return, in order to give the magistrates full information, to contain a statement of the convictions?—Yes.

7236. If any convictions have taken place?—If any convictions had taken place, they would appear in this return; the return that I previously delivered in is made up to the end of the year.

7237. Does that return purport to be a return for the whole of the year?—Yes, from August to August; it is merely a return from one division.

7238. Do you infer from that return that in that division there were no convictions in that year?—Not up to the month of August.

7239. Does that return which you make give the magistrates full information as to the conduct of every publican within your jurisdiction?—Yes; the fullest information.

7240. You have a similar return here with respect to beerhouses; of what use is that, as the magistrates have nothing to do with granting beerhouse licences?—It is one of the regulations of our force, that returns of all beerhouses not only licensed to consume on but off the premises should be laid before the magistrates on licensing day, and likewise a return of all low lodging-houses.

7241. Do you think that many of these informations against beerhouses have been for keeping the houses open at night after the hours prescribed by law?—That is an offence; I have no particular account of the several offences committed; this is merely a return of offences against the tenor of the licence.

7242. Is not that an offence peculiar to a beerhouse, and which cannot be committed by a publican, inasmuch as, with the exception of Saturday night, the public-house may be open all night?—It is, certainly.

7243. *Chairman.*] Then there are offences which the beerhouse-keeper can commit which a publican cannot?—Yes.

7244. And therefore if there is a larger proportion of convictions of beerhouses than public-houses, it may be accounted for by that circumstance?—Yes.

7245. Sir *G. Grey.*] Did you say you sent to the magistrates a return of low lodging-houses similar to the return of the public-houses and beerhouses?—Yes.

7246. Do you mean common lodging-houses, such as come within the operation of the Act passed a few years ago?—Yes.

7247. Is there much drinking in those lodging-houses?—Yes, a great many of them are beerhouses.

7248. That Act gave largely increased powers to the police in houses of that class?—Not to the rural police; the rural police were struck out of the Bill as one of the local authorities.

7249. *Chairman.*] A policeman could always enter one of these lodging-houses?—No; the police in Hampshire do not interfere with low lodging-houses; we are under the impression that the Legislature in omitting all mention of the

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rural police, did not contemplate availing themselves of the services of the constabulary in carrying this Act into execution, otherwise a uniform code of regulations would long since have been in operation throughout the county of Hants.

7250. Sir *G. Grey.*] Now, take Gosport, where houses of this class exist; what powers have you of controlling those lodging-houses?—Unless they are beerhouses, we do not interfere with them in the slightest degree.

7251. Do you mean, then, that the lodging-houses in Gosport, for instance, are exempted from any control or authority?—We have nothing to do with them if they are not licensed beerhouses.

7252. Has any authority anything to do with them?—I cannot call to mind whether the magistrates have appointed an inspector of low lodging-houses.

7253. Sir *J. Pakington.*] Is there not an inspector under the recent Act?—I do not think so.

7254. Is it within your knowledge that it is not so?—It is not within my knowledge, but I am almost certain that no such appointment has been made.

7255. Sir *G. Grey.*] Has any improvement taken place in these low lodging-houses?—Not the slightest improvement that I am aware of; I do not think the constabulary have interfered in the slightest degree with low lodging-houses.

7256. Sir *J. Pakington.*] Have you any knowledge of the amount of convictions of beerhouses, either prior to your acting as chief constable, or during the earlier years of your office?—No, I have no returns with me; I can, if desired, furnish the number of informations which have been laid against public-houses and beerhouses since the establishment of the constabulary.

7257. Are you able to inform the Committee whether there has been a material diminution in the number of convictions or informations during the last few years?—My impression is that they have very greatly diminished.

7258. You could not give statistics?—I can furnish you with statistics if the Committee desire it.

7259. *Chairman.*] But you have not the smallest doubt that these houses have improved since the establishment of the rural police?—I think they are greatly improved.

7260. I presume we may infer from that, you consider, looking at the facility with which beerhouses are obtained and the increase of the population, that the rural police is necessary in every county?—I am very strongly of that opinion.

7261. For the preservation of good order, and particularly for watching the conduct of these houses?—Most certainly.

7262. Are there any powers that you feel you want for the purpose of regulating these houses still further, or do you think the law sufficient as it is at present?—No; I think power ought to be given to the police to enter houses licensed to sell off the premises. I do not think it is clearly understood that they have such power at the present moment. I think it ought to be very clearly shown that such power exists.

7263. Is there some ambiguity that gives rise to the question?—Yes; I consider that the fifth section of the Act 11 & 12 Vict. c. 49, does not clearly point out that the police have power to enter houses licensed to sell off the premises.

7264. Sir *G. Grey.*] These houses that are licensed for the sale of beer not to be consumed on the premises, are not considered places of public resort for the sale of beer?—Yes; in the opinion of some people that is the case.

7265. Is there any decision as to that?—No decision that I am aware of has been taken; we do not allow this ambiguity in the Act to prevent our constables from visiting these houses; but it is not considered that the Act is clearly defined on this point.

7266. Do any people publicly resort to these houses to purchase beer?—Yes, to purchase, and in many cases remain to consume it.

7267. What makes you think that that clause does not authorise the police constable to enter such a house?—There is an impression to that effect abroad, that they have not the power to enter.

7268. *Chairman.*] Is there any suggestion for amending the law that you would make, with a view to give the police fresh powers, or extend the powers they have at present?—I think there ought to be some law to place booths at fairs upon the same footing as beerhouses; at the present time, when beerhouses

are

are closed, they go on selling in booths in the streets of a town, to a very late hour of the night.

7269. Is that a privilege in the people who hold the fair?—They claim that as a privilege.

7270. In those places where the fairs are sanctioned by some charter?—Yes.

7271. Have you many of those in Hampshire?—Yes.

7272. When do they occur?—At all seasons of the year.

7273. Sir *J. Pakington.*] Have you any particular name for that class of houses?—No; they are merely booths.

7274. Are they limited by any law or custom to a certain distance from the spot where the fair is held?—The booths that I speak of are in the fair.

7275. Do you know what the limit of distance is?—No.

7276. Is there complaint at Hampshire that great disorders arise from the custom of holding these drinking places near fairs?—Yes; there is great disorder, and dancing is going on to a very late hour.

7277. Sir *G. Grey.*] Are these places actually in the fair, or in the neighbourhood of it?—In the fair; some fairs are held in towns; for instance, Fareham fair is held in the principal street, in a very populous neighbourhood, where a great many very respectable families reside.

7278. *Chairman.*] You have very properly suggested that the police should have the same power over these booths that they have over other houses selling intoxicating liquors?—Yes; closing them at the same hour that other beerhouses in the parish are closed.

7279. Mr. *K. Seymer.*] Are these booths kept by publicans, or beerhouse keepers?—By both.

7280. *Chairman.*] They do not pretend, under their licence as beerhouse-keepers or publicans, to keep open these places?—No; they claim under the Charter.

7281. Sir *J. Pakington.*] In Hampshire it is not the custom to keep these places open except in the locality where the fair is held?—No.

7282. Is it the custom to keep them open after the time of the fair?—It is seldom the case that the fairs close at the time the charter expresses.

7283. The fair does not close?—These booths do not.

7284. These booths are kept open after the fair has ceased?—Yes, in very many cases.

7285. By custom?—Yes.

7286. How long?—Till the next day.

7287. Mr. *Brown.*] How is it on race-courses, where booths are constantly set up; are those booths obliged to take out a licence?—Yes; I am under the impression that they take out a licence from the Excise.

7288. *Chairman.*] Have you any suggestion to make with respect to public-houses; would you put them on the footing of beerhouses in requiring them to be closed all night?—Most decidedly. I certainly think it is a very great evil that public-houses should be allowed to keep open to any hour of the night they please; the public-houses ought to close at the same hour as beer-houses.

7289. Do you think that there would be no public inconvenience in requiring them to close at a certain hour of the night?—No.

7290. Their being kept open is attended with some evil?—Of course, the later a public-house is kept open, the more drunkenness is encouraged; it would not however be prudent to compel public-houses to close at too early an hour, as in that case they would convey a supply of beer to some private house, where they would retire to drink it; in my opinion, however, 12 o'clock is late enough for any public-house to be kept open.

7291. In the present state of the country you do not see any evil from that; you do not think travellers would be inconvenienced by closing public-houses at 12 at night?—I do not anticipate the slightest inconvenience; persons using public-houses generally arrive early; travellers coming by rail at a later hour of the night, can always ring up the porter of an hotel to enter.

7292. If there was any necessity to keep these houses open before, that has ceased to exist?—I should say so.

7293. Mr. *Brown.*] Do not sailors arrive at all hours of the night?—I think not.

7294. *Chairman.*] Is there any other suggestion that you would wish to make?

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make?—No, I have no further suggestion to make; there are many recommendations contained in the Report of the Lords' Committee that claim great attention.

7295. Mr. *Brown.*] Would you extend the same power to race-courses as you would to fairs?—Yes.

7296. *Chairman.*] Have you any other places of public entertainment in your county where a great number of people congregate?—No, we have not.

7297. Not concerts or dancing places?—No; we have nothing of that kind; the only places for dancing are at the public-houses, and in booths at fairs. In the public-houses at Gosport there is some little dancing, but not to such an extent as there used to be.

7298. You do not consider that an offence?—No; but the assembling of prostitutes to dance is an assembling of people of notoriously bad character; that is an offence.

7299. Do you inform against houses for assembling prostitutes?—Yes.

7300. And the magistrates convict on that?—Yes.

7301. They must be quite notorious, and not assembling for the purpose of getting refreshment, but for the purpose of bringing other people there?—Certainly.

7302. Sir *G. Grey.*] Have you no coffee-shops?—Very few indeed.

7303. Because one of the recommendations of the Lords' Committee to which you referred just now, is that coffee-shops should be visited by the police?—There are very few coffee-shops in the rural districts.

7304. Mr. *Barrow.*] I observe that the provision says, "That nothing in this Act contained shall alter any law relating to the revenue of Excise, except so far as the same is hereby expressly altered, and otherwise provided, so far as the same is hereby expressly altered, and otherwise provided for; nor to prohibit any person from selling beer in booths or other places at the time and within the limits of the ground or place in or upon which is holden any lawful fair, in like manner as such person was authorised to do before the passing of this Act." Have you never informed against parties selling liquors in booths beyond the limits of the fair, or beyond the hours of the fair?—It is not beyond the limits of the fair; it is in the fair.

7305. But beyond the time of the fair, "prohibit any person from selling beer in booths or other places at the time and within the limits of the ground or place in or upon which is holden any lawful fair"?—What I alluded to was keeping open booths, after the beerhouses were closed, during the time of holding the fair.

7306. Beyond the limit of the fair?—Not beyond the limit of the fair, but during the time the fair is held.

7307. Suppose a man is authorised to have a fair on a Monday, and if you find booths kept open till six o'clock on Tuesday morning, or beyond 12 on Monday night, they are transgressing the section of this Act of Parliament?—The beerhouses are compelled to close at 11.

7308. Sir *G. Grey.*] Do you mean that the fair itself is held for a longer time than prescribed by law, or that those drinking booths are kept on the ground after the fair has gone?—What I allude to is, keeping drinking booths open at night; some of our fairs last a week; after the beerhouses are closed, there is drinking and dancing at these booths all night long, and they disturb the neighbourhood.

7309. I understood you to say, in answer to a question, that the fairs themselves were sometimes continued for a longer time than is strictly prescribed by law?—That is the case occasionally.

7310. You do not mean that the drinking booths are kept open after the fair is over?—The drinking booths are generally the last that leave.

7311. Why do you not inform against the keepers of these booths if they trangress the rights which the charter gives them?—We might, if we acted very strictly.

7312. *Chairman.*] These fairs are of no use; they are pleasure fairs; there is no business done?—The chief and only fair in Hampshire which I conceive to be of the slightest use is Weyhill, which is a large sheep fair; of course I would not say that sheep fairs are useless; but pleasure fairs, such as Portsdown, are perfectly useless.

7313. Sir *G. Grey.*] How many days does that last?—Three days; Portsmouth

mouth fair is now done away with; that lasted a fortnight; and then they went from Portsmouth to Portsdown.

7314. Does Portsdown last three days by charter or right?—By charter.

7315. Is it practically open more than three days?—If a Sunday intervenes, that of course makes it four days.

7316. On the Sunday, is there much drinking?—A great deal of drinking.

7317. Is there a great deal of drunkenness at Portsdown fair?—A great deal.

7318. Are there any houses within the county where you have jurisdiction, in which spirits are illegally sold without any licence at all, spirits or beer?—We have occasionally houses of that kind.

7319. Is that a case of frequent occurrence?—There are several at the present moment which are unlicensed.

7320. Have you been able to stop any house of that kind?—We have convicted a great many.

7321. Mr. *K. Seymer.*] Are smuggled spirits sold in houses not licensed in Hampshire?—I cannot say; my men have deputations from the Customs.

7322. *Chairman.*] You occasionally detect cases of that kind?—We occasionally detect parties conveying smuggled spirits.

Robert Tubbs, Esq., called in; and further Examined.

7323. *Chairman.*] YOU were to have considered whether there was any suggestion you wished to make to the Committee with a view to the amendment of the law respecting public-houses and beerhouses; have you done so?—I have thought on the subject, and my own opinion is, that with respect to the trade in beer, it should be thrown open like every other trade. I would have it sold like coffee, tea, tobacco, or anything else, but it should in no case be consumed on the premises where it was so sold.

7324. Would you have it sold without a licence?—That would be a matter of fiscal regulation for the Chancellor of the Exchequer. He would not allow them, I presume, to sell it without a licence, any more than he now allows them to sell tea or coffee.

7325. You see nothing to distinguish beer from other articles of consumption?—Not at all; I look on it as an article of nourishment necessary for the subsistence of the artisan, and I think it should, in all cases, be treated as other articles of nourishment are. With regard to all houses of entertainment, I would have them under control; whether they were coffee-shops or beer-shops, or houses for the sale of spirits, or houses of entertainment, where people congregate together, I would have them all under control.

7326. Where houses are avowedly for the purpose of congregating people together?—For the purpose of entertainment, they should be under a control; and I do not see, myself, that that control could be better placed than in the local magistracy. Confidence must be reposed somewhere, or otherwise you must throw the trade entirely open. I do not think that would do with regard to spirits; I think it would cause a great increase of crime, and I think it would be attended with a great deal of inconvenience as regards police regulations, and so forth.

7327. Do I understand you to say you would not allow spirits to be sold off the premises, not to be drunk on the premises?—That is another question altogether; I do not go that length.

7328. Now, if it is to be drunk on the premises, selling spirits you would submit to peculiar regulations?—Yes, I would.

7329. Why, and with what view?—My own opinion is, that there are so many considerations of crime and immorality mixed up with the consumption of ardent spirits, where persons congregate together, that it is exceedingly desirable that they should be under some very stringent control. I see no such regulation necessary with regard to beer, or even selling a small quantity of spirits, where they are not consumed upon the premises; for instance, spirits are used in some instances as medicine. A chemist has now no power to sell spirits even in the middle of the night if it was required. A chemist, you are aware, has generally some person in the shop all night; but supposing a medical man to want a quantity of brandy, or any other spirit, the chemist has no power to sell that spirit; he cannot sell less than two gallons of spirits, and

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then he must have a licence to do that. Whether or not it would be judicious to extend that, is a matter which I have not thought a great deal of, but I think if the law were to be altered, it might be thought worth consideration at the time of such alteration.

7330. You were proceeding to state what are the peculiar reasons why you would put every place under severe restriction; any house that congregated people together, and sold ardent spirits?—I think I mentioned that the subject is so much mixed up with crime and police, and the morals of the people, that the reasons would be obvious.

7331. Are you referring to your experience of houses that do sell spirits now?—Yes; I take that into consideration when I come to that conclusion.

7332. Do you consider that great evils arise now from selling spirits in these houses, or do you consider that the restrictions or restraints under which they are placed at present are sufficient?—I hardly know whether they are sufficient or not, at the present moment; that there should be some I think is clear, but much more so if the trade is entirely open.

7333. What are the evils that follow now from selling spirits in these houses?—Drunkenness, and all those concomitants which we are led to suppose, from all returns of crime, are the consequences of drunkenness and persons congregating together.

7334. Do these things occur now in these places?—Undoubtedly they do.

7335. Are they not under sufficient restriction; do I understand you to say there are some restraints which you would suggest which would be adequate for that view?—No, under the best system of constraint they will exist to a certain extent; all you can do is to keep them down to that certain extent.

7336. You would not prohibit the sale of spirits, except in those cases you have mentioned?—Undoubtedly not.

7337. Sir *G. Grey*.] I understand you to recommend that the sale of beer not to be consumed on the premises should be free, subject to any fiscal regulation as to obtaining the licence?—That is precisely my view.

7338. Now, taking the houses where beer is sold to be consumed on the premises; what would you recommend with regard to them?—I would recommend with regard to them that they should be placed under the same system that the public-houses are now, and the coffee-shops also.

7339. Do you mean that the licences should be granted by the magistrates at their discretion?—Yes.

7340. With regard to public-houses in which now beer and spirits may be consumed on the premises, have you any suggestions to make?—No, I think the detail of the law would require some few alterations, if it were to be altered. I think the court of appeal as at present constituted is a very deficient one. The appeal lies from magistrates locally acquainted with the circumstances to the general quarter sessions, where most probably no magistrate who decides has ever seen the premises.

7341. Do not the licensing magistrates attend the quarter sessions?—They are precluded by Act of Parliament from taking any part; they have notice to attend, and when they come there they are precluded from taking their seats on the bench, and they never vote.

7342. Are they precluded from giving the necessary information to the other magistrates?—They are desired by the Act of Parliament to take no part in it, and to that extent most of them go. I always go off the bench.

7343. Do they not appear by counsel to sustain their decision?—Sometimes.

7344. Is there any difficulty in informing the magistrates at the quarter session by counsel, or by any other way, of the grounds upon which their decision to refuse the licence rested?—There is a great difficulty in conveying impressions of the locality of these places, and a great difficulty in making persons understand them who do not know the locality.

7345. What remedy would you suggest for that inconvenience?—I would suggest that a court of appeal should be formed by certain magistrates, selected from each of the licensing divisions of the county; you would then have gentlemen who attended to that particular branch of the law, and I think they would be most probably persons who had visited the place before they gave any decision in the case.

7346. Is the case of a successful appeal against the refusal of a licence very frequent?—Sometimes it is.

7347. *Chairman*.]

7347. *Chairman.*] You propose a court of appeal to consist of the magistrates who attend the licensing days in the different divisions of the county?—Yes.

7348. Then, of course, the persons whose decision should be questioned may attend in this court of appeal?—No, I would have them excluded, as they are now.

7349. In that respect you would not change the law?—No.

7350. Sir *G. Grey.*] Do you mean, that you would exclude the magistrates who had refused the licence from taking any part in that particular case on appeal?—Precisely.

7351. But they would take part in other appeals coming from other licensing justices?—Yes, that is just what is done now, if they choose to attend.

7352. Then in what respect is an alteration of the law necessary?—I think you would have a better court of appeal than you have now; you would have practical persons, which you have not now.

7353. To whom would you confine this court of appeal?—Entirely to the magistrates who acted in the different divisions; I would select three from each division, which would give you a court of appeal of from 30 to 40.

7354. Would you select magistrates from the general body to sit as a court of appeal?—Yes.

7355. Mr. *K. Seymer.*] You would give the magistrates the power to select those they thought most fit in each division?—Yes.

7356. Mr. *Brown.*] Is not one of the reasons why magistrates do not sustain their decision on appeal this, that they have not funds at their disposal to send a solicitor and witnesses to prove the facts upon which they have decided?—They have funds; the county funds are at their disposal.

7357. In the county?—Yes.

7358. In boroughs?—I do not know about boroughs.

7359. *Chairman.*] You made an important suggestion just now, that all places of public entertainment, beerhouses, coffee-shops, and all other houses of that kind, should be subject to the jurisdiction of the magistrates as licensed victuallers' houses are now?—Yes.

7360. Have you made that suggestion on any extended experience that you have had of the success attending licensing public-houses, and the evils that arise from these houses that are not licensed?—Yes, it is from my general experience on both these subjects that I have come to that conclusion.

7361. Do we understand you to say, therefore, that great evils arise from the other houses, including beerhouses, not being subject to the jurisdiction of the magistrates, and that you are satisfied with the present restraints imposed on public-houses?—To the first question, I should say, decidedly, yes; and with regard to the last, I do not think that more restraint is necessary to be placed on the public-houses than already exists.

7362. You give this opinion to the Committee, after considering and well weighing all the evidence that has been given, and all the evils that have been alleged to arise from the present system of licensing public-houses, and the evils that have been said to arise from the beerhouses getting their licence as they do?—I give it more from my own experience in my own division than anything else; I could not give you an opinion on all that has been published; I have not read a tithe part of it.

7363. In your own county have you any accurate data on which you proceed in forming that opinion; have you examined the convictions and offences committed by beerhouses, and compared them with those committed by public-houses?—Yes, generally.

7364. And you came to the conclusion that there are peculiar offences, and more numerous, committed by beerhouses than by public-houses, owing to the mode in which those houses are respectively licensed?—Yes.

7365. You have come to that conclusion after examining the thing closely?—Yes.

7366. Are you satisfied that the licences are always given on the fairest principles?—By no means; I am not satisfied of that.

7367. You think that sometimes persons of questionable character have licences, while persons who are fairly entitled to them are refused?—I am afraid that is the case sometimes.

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7368. Have you any remedy to suggest for that?—The only remedy that I can suggest is to make proper persons magistrates.

7369. Might not that occur on licensing the coffee-shops or beerhouses, if it occurs in licensed victuallers' houses?—Undoubtedly, if it is done in the same manner.

7370. Is there any suggestion you would make as to the appointment of magistrates?—It is so obvious who ought to be magistrates, I would let higher authorities than myself settle that.

7371. Are you of opinion that they should be competent, constantly acting, and responsible?—Yes, I am of opinion they should have all those qualities; I think they should be persons of education, intelligence, property and probity, and persons on whom you could rely.

7372. You think that you could command such services gratuitously?—I think it always has been done, and would so now, and I think the more particular you are in the selection of magistrates, the greater desire persons would have to do their duty, and the higher they would feel the compliment of their appointment.

7373. Mr. *Brown.*] But there are certain localities where you cannot get such men, and where you are obliged to appoint others?—Yes.

7374. *Chairman.*] You stated that when these licences are decided upon, there are frequent divisions among the magistrates?—Yes, very frequent.

7375. It is decided by the majority of those who attend?—Yes, who attend on the occasion.

7376. Without reasons being assigned?—No, very often reasons are assigned. I think, generally, the magistrates assign reasons for their decision.

7377. But not made public?—Very often they are; the public are in the room, and may hear the reasons given.

7378. Have you any other suggestions to offer?—No others.

Henry Pownall, Esq., called in; and Examined.

H. Pownall, Esq.

7379. *Chairman.*] YOU are Chairman of the Middlesex Magistrates?—I am.

7380. You have been so for some years?—For 10 years.

7381. You have been acting as a magistrate for the county many years?—For 20.

7382. You understand the object of this inquiry, and we wish to know if you have made any observations with respect to the system of licensing public-houses, and have any suggestions to make upon the subject to the Committee?—I have attended every year to the licensing system, both in London and in the country, and as far as my experience goes I do not know of any suggestion. There is no suggestion which occurs to me that I could offer which would tend to improve the licensing system.

7383. You understand my question refers to both classes, to public-houses as well as beerhouses?—Yes.

7384. I understand you to say that you are satisfied with it?—Yes. Our system, as regards the licensing, is, I think, as far as possible to carry out the law in the best way for the public. At our licensing day, which occurs in the early part of March in each year, we send out to the police a list of all the licensed houses in a division, similar to that (*handing in a Paper*), with a letter requesting them to inform the Bench what offences have been committed by the publicans in that district; this is accompanied by a paper which enables the police to fill up the columns, and show the different offences which have been committed by the public-houses; then there are notices sent to the overseers of the parishes, and placed on the different places of worship in the district, and when the appointed day arrives, the old licences for the most part are granted as a matter of course; if there is any offence against the public-houses of a grave character, or if the house is reported more than once, then the licence is suspended; that is, the license is not granted on that day: from the suspension of the licence, as it is termed, it does not necessarily follow that the public-house is closed, because there generally is a period of three weeks between the first licensing day and the 5th of April, when the old licence expires; it merely has the effect of sending the applicant back till the new licences

licences are taken into consideration; then if the offence, upon inquiry, is not very grave, the licence is renewed, the publican being cautioned as to his future conduct. With regard to the new licences, a list is also posted in a similar manner, and sent round to the overseers and churchwardens. A petition is also presented to the magistrates, which must be lodged three days before the licensing; and parties objecting to the licences being granted have a right to have a copy of that petition, and may memorialise the Board against it. When the day of licensing arrives, each case is separately gone into, and counsel are heard for or against the case, as it may be, previously to the licensing day; I am speaking now of new licences; the magistrates generally go round the district, and see the houses, and endeavour to ascertain the character of the persons who are applying; and by their knowledge of the locality, and the wants of the neighbourhood, their decision is generally regulated.

7385. The licensing magistrates?—The licensing magistrates. I hold in my hand a list of licences which have been granted in the Holborn division, and in the division of Finsbury, which are two of the principal divisions of the county. I find the number of licences in Finsbury for 1850 was 424, of which 37 were new applications, nine of which were granted. In 1851 the number was 431, of which 35 were new applications, and three were granted. In 1852 the number was 433, of which 41 were new applications, and 10 were granted. In 1853 the number was 433, of which 55 were new applications, and 12 were granted: there are 403 licences in the Holborn division; I will not trouble you with the total number, but in 1849 there were 15 new applications, of which three were granted. In 1850 there were 17 applications, of which four were granted. In 1851 there 25 new applications, and only one granted. In 1852 there were 28 applications, and nine granted. In 1853 there were 22 new applications, and 10 granted; one of those was granted by the Court of Quarter Sessions upon an appeal from the justices below, but the great dissatisfaction expressed by parties who apply for new licences arises, of course, from some succeeding and others not succeeding; but it is exceedingly difficult for any other plan to be devised by which justice could be done to the public on the one hand, of giving them sufficient accommodation, and on the other, not injuring those who have been induced, from the present system, to invest considerable sums of money in the buildings which have already been licensed.

7386. That is a consideration with the magistrates?—That is a consideration.

7387. The protection of existing interests?—The protection of existing interests up to this point, that there may be two applications in one street; there would, according to the opinion of the visiting magistrates, be a good business, or a sufficient business to induce a person to conduct it properly and satisfactorily by the law; but in the event of two being licensed, it would be so small a return to each that the probability is, that recourse would be had to some other mode of getting custom than the legitimate branches of the trade admit of.

7388. The magistrates go into evidence on those points, and ascertain whether that would be the case?—They go into evidence, and require frequently plans of the district to be laid before them, the number of houses that have been built since the last house was licensed, the number of inhabitants in the new district, and in fact into all those calculations which are most likely to lead to a satisfactory result.

7389. But they have some evidence of the profits of any existing house, and they are satisfied that there would be not profit enough if there was competition?—They have not positively the state of profits from the houses, but they have the state of the population, the number of the inhabitants, and the number of houses built since the last house was licensed in the same district.

7390. And they judge from that what the requirements of the neighbourhood are?—Yes.

7391. And that the magistrates are really able to do?—I think they are as nearly as possible. I do not know how any other system could be devised which would lead to a more accurate decision.

7392. If the trade was left free, there might be more houses established?—If the trade were thrown open, I have not the least doubt that there would be three or four times the number of public-houses that there are now, and probably the very same results would arise which existed prior to the licensing system in the reign of George the Second, when we have it stated, on very

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tolerable authority, that men went about the streets with large placards on their backs, "Drunk for 1*d*., and clean straw to lie upon;" when gin used to be wheeled in barrows to the end of the Fleet Ditch, and other conspicuous parts of the metropolis, and sold out to the passengers as they went by.

7393. That has been checked or prevented now by the intervention of the magistrates who grant the licences?—I think there is no doubt that that has been prevented, and I think that the improved moral state of the population may, in some measure, be traced to the altered state of licensing, and the severe scrutiny that is now used as to the conduct of licensed houses generally.

7394. Sir *G. Grey*.] Let me ask, before you go from that, whether, in estimating the requirements of a neighbourhood, you take into account the number of beerhouses in the neighbourhood, as well as of public-houses?—No; we have no return of the beerhouses before us, and I think that is one reason why the beerhouses are conducted so badly, as in many instances they are. They obtain the licence from one authority, and they come before another when they commit offences; the offences, in the case of beerhouses, not being visited till the third time by a withdrawal of the licence, and the application for a licence to the Excise being irrespective of any communication whatever with the magistrates.

7395. *Chairman*.] We were going on to the rules which guide the magistrates; you ascertain how far a public-house can be profitably conducted, and you say you do not consider, in calculating the requirements of the district, the number of beerhouses which are already established?—No.

7396. Would not that have something to do with the requirements of a district for another public-house?—I do not think it would influence the case much.

7397. Do you know whether there are more beerhouses than are required, in consequence of the magistrates not interfering?—I think there are more beerhouses than are required. I can speak of the rural districts in the neighbourhood of Hounslow and Twickenham, and that division of the country; I should say beerhouses, in a locality where there is not a house within a furlong of it, by the wayside, in a by situation; several of those might be pointed out which no one would think of licensing, if they were at all acquainted with the locality, or the purpose for which the house was used. The number of beerhouses in the county of Middlesex is not so great, in proportion to the population and the number of public-houses, as it is in other districts; there are only 1,053 beerhouses in the county of Middlesex, and there are 4,639 licensed public-houses.

7398. Those have all been licensed, subject to the rules you have stated to the Committee as far as you know?—Yes, public-houses.

7399. There are no places that you know of, or are acquainted with, where the public-houses are more numerous than are required?—Yes; I should say several; and that arises from the altered state of communication in different parts of the country; take, for instance, our towns in the old thoroughfares, Brentford, Hounslow, Colnbrook, and those sort of places, were formerly there was immense coach traffic, and a very large population constantly passing through, which required refreshment, and where a number of houses were kept; the railroads have deprived them of their trade, but still parties having an interest in a public-house, are unwilling to give it up; they do not like to embark in a new occupation, and the magistrates have not thought it right, without any offence being committed, to withdraw the licence.

7400. Then the magistrates do not inquire whether the man is carrying on his business with a profit?—No.

7401. Sir *G. Grey*.] Is it the case that the altered communications of the country which have deprived places of traffic that passed through them, have not diminished the number of public-houses in those places?—Very slightly indeed.

7402. Do they still carry on their business at a profit, notwithstanding the great diminution of traffic?—I think they do; but in a great many instances they have become small farmers and occupiers of land; they have taken that to make up for the loss of their trade as publicans.

7403. Mr. *K. Seymer*.] Do you find in those districts in which there is now an excessive competition that it induces them to have recourse to practices which are dangerous to public morals?—I have not found cases of that kind; I think the offences in those districts, perhaps, are rather more numerous with respect to publicans than they used to be.

7404. That is a danger you apprehend from an excessive number of public-houses?—That is, decidedly.

7405. Sir *G. Grey*.] What evidence is there of the number being excessive, if there has been no recourse to such practices in order to increase their profits, and if they can still carry on their business at a profit?—If you find a person who was formerly making 300 *l.* a year in his public-house, and the trade is so diminished that he is not making above 100 *l.*, but he does not know where else to embark in a business that will secure him 100 *l.*, he will continue his trade in a public-house.

7406. *Chairman.*] I understand you are satisfied with the present system because it prevents this excessive competition, and that there are not places in London or Middlesex where public-houses are crowded together so as to interfere with each other's trade, or, in fact, to produce any demoralising influence on their neighbourhood?—Except in old neighbourhoods; take, for instance, Saffron-hill, Wyld-street, Drury-lane, and in other districts where formerly there was much more traffic, and a much greater number of respectable housekeepers residing; there the public-houses, I apprehend, were at one time of a very superior class to what they are now.

7407. But they continue, you say, now?—They continue now, and are occupied in a lower sphere of business, and where the police, I apprehend, meet with the greatest number of their committals.

7408. These are not recent changes you are talking of, in these particular parts of London?—No.

7409. And if they continue now to be licensed houses, it is owing to the licence having been transferred?—It is owing to the licence having been continued, and transferred.

7410. There are a great number of transfers; when a licence is transferred do you act on the same rules that you do when you originally grant it?—Certainly, and inquiry into character.

7411. Into the requirements of the district, I am alluding to particularly?—No, we do not.

7412. Sir *G. Grey.*] Do you think in those districts in which, according to your opinion, there are more public-houses now than are necessary, owing to the circumstances you have mentioned, public morality suffers from that number?—Yes; I think that a public-house is very different from a butcher's shop or a baker's shop. There I think the supply and the demand will go almost hand-in-hand, but unquestionably where there are a great number of public-houses, those that are inclined to be drunkards are induced, very often, to go into two or three, whereas if there was only one in the district they would pass on without becoming intoxicated; in that way, where public-houses are crowded in a district, I think they lead to immorality.

7413. Do you think that has been the case with respect to the particular districts you have mentioned, in which there are more public-houses than are required, owing to the change of circumstances?—Decidedly.

7414. But notwithstanding that is your opinion, do the magistrates, on licensing day, continue all those licences out of regard to vested interests, and being comparatively regardless of public morality?—The magistrates continue those licences, partly, I believe, from their fear of vested interests, and partly not knowing whose licence they should take away when there is no complaint against any of them.

7415. Is it not the result, then, that the present system does not sufficiently protect public morality?—I do not think the present system does sufficiently protect public morality, as far as the old licences are concerned; there is too much weight given, in my opinion, to what are termed vested interests.

7416. *Chairman.*] Then if I understand you, you would always refer to the number of houses, as you do when you grant the new licences?—Certainly.

7417. And inquire at any time afterwards what the wants of the particular district are, and either not grant new licences, or limit the number that exists to what you deem to be necessary?—Yes, exactly so; where I found the traffic of a place diminished, instead of continuing 15 licences, I would reduce it to six or seven, as the case might be, on investigation.

7418. And that with regard to public morality?—Yes; with regard to public morality; the difficulty which the magistrates have in doing it is just what I have stated, the fear of injuring private property.

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7419. Sir *G. Grey.*] Is the paramount consideration of this system in granting licences, regard to private property?—No; I think the paramount principle which guides the magistrates in granting new licences is the requirements of the public.

7420. But in continuing old licences?—But in continuing old licences, I think it is done in deference to the opinions of the bench that has gone before them, and also in deference to the rights of property that are vested in public-houses.

7421. *Chairman.*] As far as I understand you, you would apprehend, if the trade was thrown open, and the magistrates relieved from their jurisdiction with respect to public-houses, that there would be a great increase of public-houses. Now why is it that the beerhouses have not increased either in proportion to the population of London, or in proportion to the licensed public-houses?—I apprehend it is from the repugnance that the respectable portion of the community have to go near a beerhouse. Few persons of respectability will take any refreshment at a beerhouse; and the profit mainly upon beer, irrespective of refreshments, liquors, and wines, that are sold at public-houses, are not sufficient to induce persons of property and respectability to embark in the trade.

7422. Your experience unfortunately makes you acquainted with the fact that there are a large portion of people who are not very respectable in London?—Unfortunately I have mixed myself so entirely, and lived so entirely in prisons and lunatic asylums the last 15 years, that I know little else.

7423. Sir *G. Grey.*] Do you mean that the mere trade of a beerhouse-keeper is not a profitable one?—I believe that the mere trade of a beershop is not sufficiently profitable for nine out of ten who embark in it to make an honest livelihood by it.

7424. Mr. *Brown.*] Would people continue in a trade that is unprofitable?—I think there are very few who live entirely on the beerhouses; in the country especially, they have a small farm, or are little pedlars, or have other occupations.

7425. Suppose you restricted both beerhouse-keepers and public-house keepers to their own business, and let them be beerhouse-keepers or public-house keepers only?—I very much question its effect; you would not have the same class of persons in the beerhouses.

7426. Then you would reduce their number?—Not quite so, with submission; because many a man is content to earn 15*s.* a week, while another will not go into the business for 30*s.* a week.

7427. *Chairman.*] You have stated that you believe a person cannot get a living by keeping a beerhouse?—Yes.

7428. Are you not aware of the fact that the transfers are very frequent indeed by persons who receive the licences for public-houses in the course of the year in which they receive the licences?—I am aware of it, and that is one proof in favour of the opinion I have given; if the trade was so profitable that a man was making a good livelihood by it, he would not be so willing to part with his licence, and the transfers would be much fewer than they now are.

7429. It is under the present system, which purports to regulate trade, that these transfers are frequent?—Certainly.

7430. And these transfers arise from persons not making a profit of their business?—I think so; hence we find there are more transfers in poor neighbourhoods of public-houses than in the more wealthy parts.

7431. Does it not also prove that persons go into the business without sufficient capital?—I think in public-houses it is very often the case, that they go in without sufficient capital; I dare say it is the same in beerhouses.

7432. The present system does not protect those who go into the trade from any miscalculation or failure?—It does not profess to afford them any as to their profits and emoluments.

7433. I think it does; according to your view, if there are in one district two persons seeking a licence, you say you only grant one, or you only grant one if another is established; now in respect of that there are great miscalculations apparent in the trade, and there are frequent transfers, owing to people not being able to make a profit?—Yes; but transfers of public-houses take place from various causes, as well as want of profit; such as deaths, ill-health, success in and retiring from business.

7434. So that this system of regulation and interference with the trade does not seem to answer the purpose of those that are in it?—There are fewer changes, for the number, in the line of public-houses than in any other business.

7435. That, perhaps, you have not the exact means of knowing?—It is quite true; but you may judge by looking at the names of public-houses, and seeing the names continue, and compare that with the baker, the butcher, and the grocer, in the same village or place.

7436. Is there any other advantage which you are prepared to state to the Committee that results from this system of licensing?—I think the advantage to the community is (I am now speaking of public-houses), that you secure persons of good character to a very great extent; you do not always do it, because sometimes character breaks down, and the individual is the reverse of what you expected.

7437. The magistrates are careful in their inquiries about character?—The magistrates are exceedingly careful. I have frequently seen both transfer and a licence deferred until further inquiry could be made as to the character of the party applying.

7438. What evidence do you take as to character, or are you satisfied with a memorial from the neighbourhood?—We are generally satisfied with a memorial from the neighbourhood, provided that memorial seems to come from persons whose station would justify us in believing that they would not sign indiscriminately.

7439. Would that apply to persons who owned the house which some applicant for a licence intended to occupy; for instance, we understand that brewers have frequently those houses; they let them, or put in people to hold them, such tenants getting the licence; would the magistrates be guided by the recommendation of such brewers or others?—Certainly not; I have known an application from Whitbread's house refused, from Meux's house refused, and from Barclay's house refused; all in the Holborn division.

7440. Those persons not being of good character?—No; it is an application direct from the brewers; I thought you meant, did the position, or the character of the person, influence the magistrate as to the granting of the licence.

7441. We want to know what evidence it is possible for the magistrates to have as to character, and we ask whether you are guided by the memorials that we understand are submitted to the magistrates; you say it very much depends on the station of the person signing the memorial?—As far as the transfer of licence goes we send out a paper which I have here, in a tabular form, requiring to know his occupation, whether he has kept a public-house before. We send it to the police if there had been complaints from the district from which he is removing, and referring to the parties who have known him any given length of time; so that occasionally, when it is for a new licence, we have, perhaps, 20 years' character given by the individual.

7442. It is no objection to a man that he has kept a beerhouse, if he has conducted it respectably?—Certainly not.

7443. A presumption is never raised against a man on that account when he applies for the licence?—I would not say that, when a beerhouse was known to be a house that did not bear a good repute.

7444. I mean where the man has merely kept a beerhouse?—The mere fact of his having kept a beerhouse, as a beerhouse, would not, I think, be a bar to his having a licence.

7445. Now referring again to the question I put to you, in consequence of the evidence we have received, that brewers very often own these houses and put in their agents; we want to know whether the magistrates would be satisfied with the recommendation of character by those brewers when a person applies for a licence?—They would be satisfied to a certain extent; it would not be sufficient if we had no further evidence of the man's character than the mere brewer who was to supply.

7446. Are you not cognisant of the fact, having attended a great deal to the licensing, that brewers do put a great many persons into these houses?—Yes, brewers have a great number of persons in as tenants; I believe the general practice of the brewers is, not to have the houses themselves, but to advance money to parties who obtain the licence.

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7447. These brewers have great interest in these persons getting their licences and not having them refused?—Certainly.

7448. And that you are made cognizant of as a magistrate?—Yes, we are often cognizant, although we do not, when the licence is applied for, ask to whom the property of the house belongs.

7449. Is it not an inquiry, whether the person who applies for the licence owns the property?—Not always, especially the transfers.

7450. Do not you consider that the licence is to the person to carry on the business of a publican in the particular house?—Yes, but that he may do upon lease; the house may be upon lease, not his own property; the house may belong to a brewer, but if I was sitting on a licence or a transfer, but more particularly with a new licence, if anybody was to say the house belonged to such and such brewer, I should immediately stop him, and say we do not want to go into that investigation, we do not care whose the property is, our object is to ascertain the character of the individual who is to keep the house, not as to whom it belongs.

7451. Are there many licences refused on the score of character?—I do not think there are a great many; occasionally there are some.

7452. If you hear that a house does belong to a brewer, does it afford a presumption in favour of the man's character; do you think it necessary to make further inquiry?—It operates in this way, that if the house belongs to a brewer, or whoever the house belongs to, the landlord will take an interest when there is a charge made against the tenant, or when the licensing day comes round for renewing that licence to the tenant; and though we do not know, as a Bench, to whom the property belongs, according to the value of the property so is the interest made when the licence is in jeopardy; that is to say, if the licence is about to be taken away from a party for misconduct, counsel will be employed to defend him, and to show why it should not be taken away. We had an instance in the Kensington division only last autumn, where a licence was refused to be renewed to a publican; counsel were employed before the Bench below to show that, although the tenant had conducted himself badly, and the house had been in bad repute, yet the landlord intended to remove that tenant, and to place another person of respectability in the house.

7453. But you become acquainted with the proprietor of the house when there is such a defence made for the man?—Not the actual proprietor; we do not know to whom it belongs, but we do know that the value of the house will be diminished.

7454. Sir *G. Grey.*] Do you know who employed counsel in that case?—I do not; I only know that counsel was employed, that the case went to the quarter sessions, and that the sessions renewed the licence, but upon the full assurance to the court that the tenant against whom the complaint was made would not be allowed, and, in fact, had assigned all his interest in it to another party who was coming into the house.

7455. *Chairman.*] The licence was renewed to the tenant?—No, the licence was actually refused by the licensing magistrates.

7456. I mean on the appeal?—The licence was renewed to another tenant, on the appeal to the sessions.

7457. It was transferred, as it were?—Yes, and that is one security that the public have when brewers hold the property, that it is so completely their interest to see that the house is well conducted; and they generally, I believe, let the house upon such a tenure that upon complaint being established against it he is bound to quit on their giving him notice to do so.

7458. The house is not closed?—The house is not closed, but the brewer or owner of the house retains a power of compelling the tenant to transfer, if the licence is endangered by his misconduct; this was the case just alluded to; the house belonged to a widow and four children; it was urged by counsel at the sessions that to take away the licence would be to deprive them of half their property. Another tenant was proposed, and a pledge given that the house should be properly conducted, and the court renewed the licence.

7459. Then the man himself has not so strong an interest as the person under whom he holds, in conducting his house properly?—Generally, I should say not, inasmuch as the profit of the trade is not equivalent to the premises in which the trade is conducted.

7460. The interest is not so great in the person who has the licence, but the security

security of the public is that the brewer will put in somebody else?—That must be taken with great limitation. In the case of poor public-houses, or small public-houses, that is decidedly the case; but with hotels, and public-houses of a superior character, then I apprehend that the fittings, and the tenant's right in the premises, is quite equal to that of the landlord.

7461. Then there is no loss to the property, supposing the property belonged to the brewer, if he can put another person in, and get him a licence?—No loss.

7462. Sir *G. Grey.*] Is it the case that public-houses are very seldom closed, owing to the misconduct of the occupier?—Very seldom indeed; the licence is very rarely taken away.

7463. *Chairman.*] And the interest of the owner, supposing him to be a brewer, is that there should be a rapid consumption of the articles the publican deals in?—Unquestionably.

7464. And it is perhaps from an anxiety to get custom, or the tempting people to drink, that the publican offends against the law?—Not quite, I think.

7465. He encourages drinking, I suppose?—The cases in which they are fined for encouraging drunkenness and disorderly persons, are so very rare that I think scarcely any inference can be drawn from them.

7466. He might keep his house open after hours?—He may keep his house open after hours; he may allow disorderly persons to assemble in his house; he may trade on a Sunday morning, and things of that kind, which would subject him, of course, to the penalties, and chance of losing his licence.

7467. That would be a way of increasing his custom, illegally perhaps; and if he were to do that, and offend against the law, he might lose his licence; but the brewer might put in another person, and his property would not be affected?—That would be so; but he always runs a chance of the licence being withdrawn, or not being renewed, at the general licensing day.

7468. Mr. *K. Seymer.*] What is the nature of that chance; how many houses have been permanently closed during the last five years?—I could not give now the number, but certainly very few.

7469. *Chairman.*] There has been a suggestion made here that the person should be licensed without reference to the house; do you think that would be an improvement on the present system?—I am scarcely able to say whether it would be an improvement or not; the state of the law is such that it would be visiting the publican for an offence so much beyond what the offence, I think, deserved, that it would be exceedingly difficult to carry the law out.

7470. If he were to do anything to forfeit his licence?—If you licence the individual, and then that individual offends, and you immediately take away his licence and suspend his business altogether, probably you might inflict a penalty of from 1,000 *l.* to 2,000 *l.* on him. Now the feeling of the community would scarcely go with any law that would visit so serious a penalty upon an individual for the offence of allowing a disorderly character, for instance, occasionally in his house, when it would be difficult to show that he ever encouraged them.

7471. Is it not possible that the magistrates should hear nothing of the offence of the publican if he transfers the licence in time; for instance, a man offends the law, and the transfer day comes before the new licensing day, and when that day arrives it is found that another tenant is in occupation, although the original person who had the licence may have been convicted once or twice before that?—That could not occur, because we must have the same notice for transfers as we have for new licences.

7472. There is no notice of transfer from a person convicted to another man?—If a house had been notoriously badly conducted, then it would be a doubtful case, and although it generally ends in the new tenant having the licence, yet it is, perhaps, not till after he has been up once or twice before the bench, or probably, been sent to the sessions, which costs 20 *l.* to 30 *l.*

7473. As I understand you, it would not be any further security to the public, for the better conducting these houses, if the person who has been convicted once or twice should be deprived of the power of transferring that licence; you do not think there would be any advantage in that?—I think the law would be so severe in its penalty that the fine would escape ever being imposed.

7474. Sir *G. Grey.*] When you speak of a fine being imposed, do you mean that the forfeiture of the licence would lessen the value of the house by that amount?—Yes; the goodwill as well as the licence.

7475. Is there not a great difference in the character of public-houses in

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London, irrespective of the particular occupant; are there not some that are uniformly well conducted, and some that bear a very different character?—There are some in very low neighbourhoods that are, of course, if I may use the phrase, always under a cloud from the peculiar classes that attend them.

7476. Is the Committee to understand, notwithstanding that fact, that the magistrates do not withhold the licence altogether out of regard to the owner of the property, and to the loss he would sustain by the forfeiture of the licence?—Not solely that, but they take into consideration the neighbourhood in which the house is situate and the class of custom that necessarily comes to it. That which they would tolerate in Wapping would deprive an individual of his licence immediately in Dover-street, Piccadilly.

7477. *Chairman.*] Is there any reason you assign for the fact you have just now stated, that very few houses are ever closed by the authority of the magistrates?—Yes, the reason I have before stated, that I think there is too much stress laid on vested rights; whether the law could be altered so as to increase the penalty, say from 5 *l.* up to any given sum that would make it felt without being so extremely severe as to deprive a man of his livelihood, deserves very great consideration.

7478. Is there any suggestion that you have to make with regard to the law, or are you perfectly satisfied with the system as it exists at present?—I cannot say that I see my way clear to an alteration that would be practically beneficial to the public. I heard the evidence which Mr. Tubbs has just given; I differ entirely from him as to what he has stated with regard to the court of appeal. I think if you were to make a court of appeal consist solely of magistrates who took an active part in the licensing below, you would shut out just the very parties that the public would like to see on the bench, those who had not interfered with the local licensing, and place it almost in the circle of those who had in fact brought the case up to the bench. It is quite true that the magistrates, in the division, cannot take part in the decision of the bench, but it is a great satisfaction to the public to find that when the court below has deprived a man of his licence, that they can go to the court above, where they will have magistrates from all parts of the country who know nothing whatever of the circumstances or the relative connexion or the local situation of the parties, and yet will hear the matter discussed and witnesses produced for and against the licence in open court, and that it will be decided by those who will have no bias or influence on the occasion.

7479. You are satisfied then with the system as it exists now, as far as the appellate jurisdiction of the magistrates goes?—I would rather that that subject was not with the bench at all, if I knew where to put it in better hands.

7480. I believe at the Middlesex Session you have Mr. Serjeant Adams?—Yes, he always attends to the appeals and takes no part—that is one advantage of our sessions—he takes no part in the licensing system; he never attends the licensing bench, but always presides at the court when an appeal is made against the refusal of a licence in the court below.

7481. He attends at the court?—Presides at the court.

7482. He does not interfere?—He does not interfere in the local divisions.

7483. You have a perfectly independent judge or magistrate presiding in what may be called the Court of Appeal in the Middlesex Sessions?—Yes.

7484. And you derive great advantage, and feel the advantage of such an authority?—Very great; and every magistrate, I believe, does feel that the personal odium of being judge in his own case is removed, as far as Middlesex is concerned.

7485. Sir *G. Grey.*] Are appeals numerous?—Not very.

7486. What portion of them are successful. I am speaking of appeals from a bench of magistrates for refusing a licence?—I should say, speaking from memory, that not one in ten was successful.

7487. *Chairman.*] Then what part does the assistant-judge take; does he state the law, if there is any difficulty?—He states the law; he hears the evidence, and sees that the requisite notices have been complied with.

7488. Do they go into fresh evidence, or do they confine themselves to the evidence that had been before the magistrates below?—They confine themselves to the evidence that had been heard in the court below.

7489. And he does not vote?—He does not vote; the magistrates who have refused the licence, employ or do not employ counsel as they think fit.

7490. Referring

7490. Referring to your opinion of the great advantage of having a competent and independent authority to assist in hearing appeals, do you think that if it were possible there would be an equal advantage in such a person to assist the magistrates in granting the licences?—No; I cannot see that he would be of the least use in that respect.

7491. Supposing a County Court Judge, or any person so appointed for his competency, if he was to attend on those occasions, being quite independent of local interest, would it be of use to the licensing magistrate?—I cannot think it would; there is this difficulty; if such an individual were to have the veto in all cases, then the magistrates would feel that their attendance would be of very little use, because their practical knowledge of the local wants of the district would be of no avail; and if he had not the veto, his attendance would be of little service, inasmuch as the magistrates are fully acquainted with the law that regulates the licensing system.

7492. Would it not relieve them from all sort of suspicion that they were biassed by local influences of any kind?—No; if they have not an independent judge, as they have at Middlesex, although that does not go quite so far as the public would like to see it, because, still the assistant judge does not vote himself; it is the magistrates from different parts of the county who do decide the question; but as far as my own feelings go, I would certainly rather all the appeals went before an ordinary jury, in which the magistrates had nothing whatever to do.

7493. An ordinary jury presided over by an independent judge?—Yes, as far as the appeals went.

7494. You think the jury system would not apply to the granting of the original licences?—I think not.

7495. They might be judges of the requirements of the district?—I do not think you would be likely to get a better opinion from 12 individuals as jurymen than you would from 12 magistrates who sit now, and give their opinion in open court as to the licence and the necessities of the district.

7496. You do not think it would be attended with any peculiar evil?—Yes, I think you would be lowering the scale of the judges, as it were.

7497. I dare say you have heard that there is dissatisfaction attending the present system of licensing by magistrates in different parts of the country; I do not refer particularly to Middlesex?—There must necessarily be dissatisfaction, as I have stated; if there was no restriction whatever you would have three times the number of public-houses to what there are; the two-thirds who have not obtained the licences will be dissatisfied because they have not got them.

7498. Sir *G. Grey*.] Do you mean that you think that three times the number of public-houses might be carried on in Middlesex at a profit?—No; but they would be attempted.

7499. Would not the failure of the attempt very soon check the evil?—I think not, because it is a peculiar trade, and there are so many that would be soon led into temptation if all these traps, if I may use the phrase, were open to catch them.

7500. Would the effect be, that the number of persons frequenting public-houses would be greatly increased?—Greatly increased.

7501. Would not the result of that be, that the business might be carried on at a profit?—They would go on increasing in proportion as they found the public thirst and consumption of liquor and beer increase, and thus, by increasing the facility for drinking, might increase the trade.

7502. You said that if the trade were thrown open you think the number of public-houses would be trebled; do you believe it would be permanently trebled?—I fear it would.

7503. Then do you think that could follow unless they could carry on a profitable trade?—We know what competition is in almost everything; a great number will try their luck in trade, and although they do not succeed, and the general trade is not profitable, yet still individuals will embark in it.

7504. *Chairman*.] You have heard the fact that beerhouses were much more numerous at first than they were afterwards; they imagined that a profitable trade was to be carried on in that way, but were disappointed, and they have been very much reduced in number?—I think that arises partly from the fact that nobody knew anything of what the result would be of the beerhouses; it was entirely a new thing.

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7505. Still, as to the temptation afforded to people to drink, if we are to assume that three times the number of public-houses would be opened if the trade was free, that operated on people just as much then as it does now with you?—I have not the least doubt that there is a great deal more drinking in rural districts owing to the beerhouses, than there was before.

7506. Sir *G. Grey.*] Do you think that the existing restrictions on the public-house, taking into account the freedom there is of trade with respect to beerhouses, tend to prevent drunkenness?—I think it does unquestionably; I think that the restrictions on public-houses do prevent drunkenness.

7507. This drunkenness arises in London chiefly from drinking spirits?—Yes.

7508. Do you think that the public-houses are rather a source of the drunkenness that exists than the beerhouses?—Certainly I do, in London.

7509. Mr. *Brown.*] That great anxiety which appears to exist in parties to keep public-houses, arises from the fact that when once they get a public-house licence, it is a monopoly, but if the trade were thrown open that would cease, unless they made money by it?—Yes; but the effect on public morals would be equally bad during that experiment.

7510. Suppose there is a public-house that has a licence, and is doing a good trade, and another publican comes and places himself alongside and makes it an unprofitable trade for both, so far as the increase in the number of public-houses is concerned, would not both vanish?—No; people struggle for a long period until they have not anything left; when profits cease, they begin to live on capital.

7511. Sir *G. Grey.*] Is the present system of licensing, in the restrictions it imposes, necessary to protect the interests of persons who, if the trade were opened, would enter into the trade and ruin themselves?—I think the public have no right to look at it in that light. The law is not to encourage persons against false speculations; every individual must act as he thinks will best suit his own interest.

7512. Mr. *K. Seymer.*] Do you believe, under the present restricted system, a man who is so disposed has the least difficulty in getting drunk?—I believe any man, with half-a-crown in his pocket, may get drunk when he likes.

7513. Sir *G. Grey.*] If that is so, how do the restrictions by the present licensing system diminish drunkenness?—Because he only spends three pence instead of the whole half crown; it is not the custom if you meet a man, to say, "Will you have a penny roll and a slice of bacon," but it is the custom to say, "Will you have a glass of gin, or a glass of beer, here is the public-house," and he goes in and gets it; he goes a few steps further and meets somebody else, and he is tempted in there; anybody who would watch a neighbourhood in which there is a large number of public-houses in succession, will see how a man is led to go into two or three of them, whereas if there was but one public-house, he would be content to pass on.

7514. Is it not the case in London, that there are a great number of public-houses in succession?—And there it is you find the most drunkards.

7515. What I do not understand, is how the existing restrictions in London, looking at the number of public-houses and beerhouses, put an effectual check on drunkenness?—It evidently does not, but it is a check; I am comparing the present system with what it would be, if the trade were thrown open; I think that drunkenness would be very much promoted, if the trade were thrown open.

7516. Do you think beerhouses have tended to increase drunkenness?—I think they have tended to produce a sottish sort of feeling and habit among the rural population.

7517. I am speaking of London now?—As I before stated, they have so few beerhouses in comparison to the population, that perhaps it is not a fair test of the system of beerhouses.

7518. *Chairman.*] What is your experience as to the habits of the people; are they not less drunken than they used to be?—Yes, I think they are.

7519. Within the last 20 years, you have seen an immense improvement?—Yes, in every respect; but I attribute that in a great measure to the increased vigilance of the magistrate, and the strictness with which public-houses are conducted, to the increase of education, and to a variety of causes.

7520. At the same time, however, they have as easy access to intoxicating liquors

liquors as people can have?—I think they have as easy access as they possibly can desire.

7521. From the price of the liquor, and the number of houses?—Yes.

7522. But you have observed that their habits have become less drunken?—Yes; and the returns of the police show that the number taken into custody now in a state of drunkenness is much less than in 1831, when the police force was first established, and there is an ameliorating influence pervading society. There is no doubt every branch of society has improved within the last century, as we find in the music and dancing licence system which was introduced.

7523. What do you mean by the music and dancing licensing system; introduced when?—That was introduced in the 25 Geo. 2.

7524. You mean when the licences for all houses for those purposes were first given?—Yes.

7525. Sir *G. Grey.*] How does your observation, with regard to that, bear on what you were saying; what inference do you draw about licensing the house for music and dancing?—Formerly music and dancing was carried on without any licence whatever, and it led, I apprehend, as well as an unrestricted sale of spirituous liquors, to debauchery and drunkenness.

7526. *Chairman.*] However, you trace the improvement to other causes than those restrictions upon the houses; you have alluded to a great many humanising influences that are in operation now?—Yes.

7527. You would not rely on them in throwing the trade open?—No; I should have a great misgiving as to the trade being thrown open. I should fear very much indeed that intoxication will return upon us with all its frightful results.

7528. In spite of the police and the increased activity and vigilance of the magistrates?—If the magistrates had no power over the licensing system, I do not think the cases which the police might bring forward would be sufficient to secure good order in every house.

7529. I think you stated that the cases were very few in which the convictions of the public-houses were sufficient to forfeit the licence?—Very few; I also stated that the penalty is so extremely disproportionate to the offence that there is necessarily a repugnance, on the part of the magistrates to forfeit the licence; but convictions lead to transfers, and obliges the offender to quit the house.

7530. What do you think would be the case if they were to forfeit the licences more frequently after several convictions; in fact if they were to apply the law regularly as it exists now, would it not tend to the better conduct of these houses?—I have no doubt it would in the low neighbourhoods, but it is a question of very great difficulty; I believe very few publicans encourage drunkenness in their houses, they are not the customers that give them a profit. If there is a drunken man in a taproom he is sure to be quarrelling, and then he drives the sober man away from his house, who would take his pint of beer, or his glass of brandy and water, and the landlord rather loses than gains by such a customer as that.

7531. Looking at it in a business point of view, the publican would have no interest in encouraging a drunkard to his house?—No.

7532. And that would apply if the trade was thrown open?—Yes.

7533. Mr. *K. Seymer.*] State the nature of the malpractices to which you think the free system would drive the publicans?—All those who are disposed to be drunkards would have so many opportunities and enticements that it would gain on them exceedingly.

7534. I understood you to say, that the publicans themselves, under the pressure of competition, would depart from their legitimate business and offer attractions which you think would be injurious to public morality?—That was a question that was put to me.

7535. I understood you to answer it in the affirmative?—I have no doubt they would.

7536. Then I ask you the nature of the attractions to which you allude?—I can only adduce the splendour with which the gin palaces are fitted up, with a view of attracting customers to them.

7537. *Chairman.*] They are licensed houses?—Yes.

7538. Mr. *K. Seymer.*] That is under the existing system?—Yes.

7539. Do you think that would be carried still further?—There would be more of them.

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7540. That is the danger that you apprehend to public morals?—Certainly.

7541. Sir *G. Grey.*] Do you grant licences to gin palaces as you do to other public-houses, without any distinction?—The law does not admit of a distinction; they are all licensed as public-houses.

7542. In some places the Committee are informed that the magistrates, with whom the discretion rests, have objected to what are termed gin palaces, without any taproom to sit down in, for the mere sale of spirits, and have refused to renew licences where publicans have fitted up their houses for such purposes; does any such practice exist among the Middlesex magistrates?—Certainly; it is the general practice, if a house is altered, so as to convert it into a gin palace, it is visited, and if there is no taproom, and that accommodation which travellers have a right to expect in a public-house, the licence would not be renewed.

7543. Is it not the fact that there are a great number of those houses in London?—I think not.

7544. Are there not places that are called gin palaces as distinct from ordinary public-houses?—They all have those requirements; they are gin palaces in the front of the street, but they all have a taproom and a parlour, where an individual may go and sit down, and where the poor man can have his steak dressed and his salt, if he requires it.

7545. Do you mean that there are no public-houses in London, the business of which is confined to the sale of spirits?—I believe none.

7546. Mr. *Gregson.*] It was stated here that there was no accommodation for parties to sit down in those houses?—I am not aware in the division I am more immediately acquainted with, Finsbury, Holborn, and Paddington, of any one house of that description.

7547. Sir *G. Grey.*] What do you mean when you speak of a gin palace, as distinguished from a public-house?—A public-house is a mere ordinary place, but a gin palace is where the whole front, or nearly so, is made into windows, and there are gas lights of a very superior kind put forth, and all the decorations and attraction present themselves.

7548. You have stated the external difference which makes one more attractive than the other; is there any difference in the mode in which the business is carried on?—Yes, in the public-house, generally speaking, there is a bar and a tap in a small way; but in the gin palace the principal entrance into the house is a large place, decorated with the vats and machine by which they draw it off, and a counter round it. You must, in fact, go quite by the bar of a gin palace before you can get into any room. Now, that is not so in the public-house.

7549. Is there any substantial difference in the relative amount of spirits, ale, and porter sold in the gin palace and in the common public-house?—I have understood that there is a considerable difference; of course it depends on the locality of the premises.

7550. Does not the business of what is called a gin palace consist chiefly in the sale of spirits?—Yes; a gin palace sells more spirits than the ordinary public-house.

7551. *Chairman.*] And all the arrangements are with a view to people coming in, and having a glass of spirits and passing on?—Yes.

7552. Are the magistrates much annoyed, by interference from different people asking them to give licences to persons who are applying?—Very much indeed; every new applicant thinks it quite right to send a copy of a memorial to each magistrate of the district, and if he can, he will induce those who are acquainted with you to write to the magistrates in his favour.

7553. But persons are induced from various motives to interfere with the magistrates in granting licences, and sometimes politics has something to do with it?—I have never known a single instance in which politics has had to do with it.

7554. I do not say in the decision, but people who have engaged much in politics sometimes interfere, or try to interfere with the magistrates, in granting their friends licences?—I have mixed a good deal with politics in this country, and I have never yet been solicited on that ground; I have been solicited through personal considerations, out of friendship, but I have never been asked as a political matter.

7555. What I meant was, that candidates, or persons who have succeeded in becoming members, sometimes interfere to get licences for their friends;

I ask

I ask you, as acting on the bench, whether you are acquainted with the fact that applications of that kind are made?—No. When I say they have, I mean only to imply that they have because they have been partizans in the election both ways, both personally known. I will take my own case, for instance. I have been asked to favour an individual with a licence because he was a partizan. I have been asked by the opposite party to favour him with my support, because he had never interfered in any election, and I have also been asked by those who have interfered on the other side against me.

7556. Sir *G. Grey.*] Do you find these private applications, which are made to magistrates, in favour of persons applying for licenses, are more numerous after a general election than at other times?—Yes, they are; but I do not believe, at least I have never yet seen, any licence granted in consequence of any interference; and I think the returns after elections, if you would look at the number of new licences on those occasions, do not show any greater amount than on ordinary occasions.

7557. *Chairman.*] You think there are not a greater number granted?—No; it could scarcely be so in Middlesex, for there are certain persons on one side of politics and certain persons on the other.

7558. That is the reason why there would be more of that kind of application from political partizans?—I do not think they are made politically in that way; a person who has stood a contest either for a borough or a county is so extensively known that the applications are more numerous to him from persons becoming acquainted with him.

7559. The fact is, that they come very thick after a general election?—No; I did not find it so.

7560. Generally speaking, are not the magistrates more annoyed with these applications after a general election than before?—I cannot say I think so; I do not think it is so.

7561. Is there any amendment of the law that you wish to suggest to this Committee with regard to these houses?—I think, with regard to beerhouses, that it would be a great improvement in the law if the licensing were placed on a different footing from what it is at present.

7562. Did you hear the evidence given by Mr. Tubbs, in which he recommended that all places of public entertainment now subject to the jurisdiction of the magistrates, as regards their receiving their licences, should be put on the same footing as the licensed victuallers?—I did; I cannot say I go with him; I do not go that length; the magistrates have other occupations to attend to than licensing coffee-shops.

7563. Sir *G. Grey.*] On what different footing would you place beerhouses with regard to obtaining their licences?—I think the beerhouses obtain their licences too easily; the Excise make no inquiry whatever as to the character of the individual, the position of the house, the value of the premises, or the wants of the neighbourhood; if certain papers are merely filled up and sent to the office, it follows, as a matter of course, that the individual gets his licence.

7564. What is the footing upon which you would place them?—I would increase the value of the premises to be licensed, in the first place, and I would also place the licensing either in the hands of the magistrates, or, if it is thought that is a power which they have already sufficient influence over, I would place the licensing of the beerhouses in the hands of the Boards of Guardians, or any party who can make themselves personally acquainted with the locality and the character of the individual.

7565. Do you think that that alteration of the system would materially reduce the number of beer-houses in London?—I do not think it would; I should think not.

7566. Then, on what ground do you recommend that change, as it respects London, for instance?—My observation has more reference to the rural districts out of London, where I think the houses would be better conducted if character was inquired into.

7567. You do not think that, in London, there are circumstances demanding any change of system?—I think the principle of excise licensing, as a matter of course, is in itself bad.

7568. *Chairman.*] Should you not be afraid of favouritism on the part of the Board of Guardians?—There will always be that apprehension, place the power wherever you may: there is a fear of it with the magistrates; there would be a

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fear of it with the Board of Guardians; there is no fear with regard to the Excise, because they know nothing whatever of the circumstances of the individual who applies.

7569. But it does increase the value of the house very much indeed, receiving a licence?—Yes.

7570. I am not speaking now of licensed victuallers?—Unquestionably.

7571. You would then give an artificial value to the beerhouse: would you leave it in the discretion of the Board of Guardians to determine who should have this increased value given to his house?—You must leave it somewhere, and I do not know where you can leave it better than in the recognised body of the district.

7572. Sir *G. Grey.*] Would you extend that recommendation to all classes of beerhouses, or only to those in which beer is consumed upon the premises?—To all classes.

7573. In your evidence before the House of Lords, you appear to recommend that the trade in beer as a commodity should be free?—I have not the least objection to agree with Mr. Tubbs, as far as that observation went; I would let anybody sell beer not to be drunk on the premises.

7574. You would not recommend that the power of the magistrates or the Board of Guardians should be extended to houses in which beer is not consumed upon the premises?—Yes, and for this reason, that I think either the magistrates or parties with local knowledge, ought to be aware of the character of the house that is licensed; but I apprehend that if you were to allow beer to be sold generally, you would not have a licence for it; you would allow men to sell beer the same as a yard of calico.

7575. *Chairman.*] That would be a subject of fiscal regulation?—Yes.

7576. Sir *G. Grey.*] Mr. Tubbs' recommendation was, that the power of selling beer over the counter, not to be consumed on the premises, should be placed on the same footing as that of selling tea or coffee, or any article of that kind?—I see no reason whatever for a licence for selling beer not to be drunk on the premises.

7577. You would not give the magistrates the power of refusing the licence in that case?—I would not require a licence where not drunk on the premises.

7578. *Chairman.*] What I do not quite understand from your evidence is, whether you have no confidence at all in the application of the law after the person has got the licence, or started in the trade, or whether you entirely rely on the discretion which is exercised in selecting the person who is to carry on the business?—My stress certainly lies on the character of the person who is to carry on the business.

7579. The person originally selected?—Yes; but here is the defect of the law; where the remedy is I am not prepared at this moment to state: an individual comes with a first rate character for a new licence; it is granted; the moment the licence is granted the privilege to deal in those articles is worth from 100 *l.* to 1,000 *l.*; then he sells it to a man whose character is represented as perfectly good, but perhaps it turns out differently, and although the individual may have given 1,000 *l.* for the interest he may be anxious to get his money back again, and therefore does not so strictly conform to the law as he ought to do.

7580. Does not that prove that your reliance must be in the application of the law afterwards, where he offends, rather than on the original selection of the person as to his character?—It must depend upon both.

7581. You state that there is great disappointment on the part of the magistrates in the persons they have selected?—Yes, and then the party is obliged, finding his character will not bear the scrutiny of the magistrates, to find out another party to whom he can sell, in order to get his money back.

7582. But to control those parties and to keep the house well ordered you must rely on the vigilance of the police to inform against them, and upon rigid impartiality on the part of the magistrates in applying the law when an offence is brought before them. Then it is chiefly by relying on the law that you must expect those houses to be regulated?—If the law is such that you can scarcely, with the utmost vigilance, carry it into effect, it becomes a nonentity, and I apprehend that it is the case with regard to the publicans' licence in a great measure. You fine him for encouraging disorderly persons in his house. Who is to define what are disorderly persons, and how do you bring it within his

his knowledge? He says, "I am not aware that they are common prostitutes," and what shall we say? Suppose we take a public-house near a theatre, the Haymarket for instance, and public places of amusement; young men go in with women of bad character into the public-houses, and they drink. Are they both bad characters, or is it merely the woman who is known to be of that character? How are you to fix it on the publican?

7583. Those are difficulties which you find in regulating those houses?—In putting the law in force and in regulating those houses, and the result is, that unless there is a violent outbreak, or some manifest breach of the public peace, the police do not take cognizance of them.

7584. Sir *G. Grey.*] What is your remedy for that?—I have none.

7585. Is it not the case that the magistrates now, out of regard to vested interests and rights of property, abstain from exercising the power that the law places in their hands with regard to publicans?—They abstain from exercising the full power which the law gives them.

7586. Do you think any increase in the power of the law would do any good?—If instead of a forfeiture of the licence a penalty of 50 *l.* was inflicted, I think it would.

7587. Do you recommend an increase in the amount of the penalties to which publicans would make themselves liable for breaches of the law?—Yes; that would make it more difficult.

7588. What is the greatest amount of penalty that is now inflicted for the first offence?—£. 5, and costs.

7589. The second offence?—£. 10, and costs.

7590. Is it the case that the maximum fine is generally imposed?—Very seldom indeed.

7591. Why do you think that an alteration of the law that would authorise the imposition of larger fines would be effectual, if the magistrates do not now go to the extent which the law authorises in the imposition of fines?—The magistrates are unwilling to go to the utmost limit; if the fine, instead of being 5 *l.*, were to be 50 *l.*, they would think they were doing the same justice by inflicting a 30 *l.* penalty instead of 3 *l.*; they would so completely make the publican feel the offence which he has committed, that I apprehend greater care and vigilance would be exercised.

7592. Would not the remedy now be in the hands of the magistrates if they themselves went to the full extent which the law authorises in imposing those penalties?—No, I do not think that 5 *l.* would meet the offence.

7593. And yet I understood you to state that the magistrates never imposed the 5 *l.* penalty, but thought the 40 *s.* penalty sufficient?—Very seldom; that, I apprehend, is the case at every sessions throughout the country. You will find that, whether it is for trespassing, or a breach of the peace, the magistrates very seldom go to the extreme extent which the law justifies.

7594. Mr. *Barrow.*] Let me call your attention to the words of the Act, the 1st William the 4th, chapter 64; "and for a second such offence such offender shall be adjudged to be disqualified from selling beer, ale, or porter by retail for the term of two years, or to forfeit any sum of money not less than 20 *l.* nor more than 50 *l.*, at the discretion of the justices"?—That has reference to beerhouses; I thought the question referred to public-houses.

7595. Mr. *K. Seymer.*] I understand you to mean this, that you would substitute a 50 *l.* penalty for the forfeiture of the licence, which you think so severe a penalty that you think public opinion hardly justifies you in inflicting it, and in other cases you would inflict a heavier penalty?—I would substitute a 20 *l.* penalty for the first offence, 50 *l.* for a second, and 100 *l.* for a third, and then the forfeiture of the licence as provided by s. 21 of the 9 Geo. 4, c. 61.

7596. Sir *G. Grey.*] Are convictions of beerhouses frequent?—I have no experience, but I find from the returns they are more numerous in proportion than the fines on public-houses.

7597. You say you have no experience; is it the case that the convictions are chiefly before the police magistrates?—Yes.

7598. Therefore you do not know what the practice is with regard to enforcing the provision of the law, which upon a second conviction authories the licence to be withdrawn or suspended?—No.

7599. *Chairman.*] In the metropolitan districts there is no great difficulty in getting evidence from the police, who are sufficiently numerous and vigilant

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to furnish you with evidence of any offence on the part of those houses?—Yes, but I think there are many offences which the police do not think it comes within their province to report.

7600. There has been a suggestion made to the Committee that there are persons found violating the law, or at least in the public-houses where the law has been violated; should you subject or treat these persons in the same way as if found gambling, or at a prize-fight, and make all those persons liable to a penalty; for instance, if they are found in a public-house on Sunday, or in a beerhouse after certain hours, that not only the beer-seller or publican should be fined, but every person found there; would that facilitate the detection of that offence?—It might prevent the commission of the offence; persons if they knew they were liable to be punished would go away. I find that the number of offences and summonses in the metropolitan districts were 652 on account of public-houses; of those 487 were convicted and 165 were dismissed, while from the beerhouses there were 962 summoned and 806 convicted.

7601. Mr. *Barrow.*] Did I understand you that the beerhouses in Middlesex had not increased in number?—I think they have not; I think they have decreased; I think the number of beerhouses in the kingdom have decreased 5,000.

7602. Sir *G. Grey.*] You have stated that drunkenness has decreased considerably of late years?—Yes.

7603. Has that decrease in drunkenness been accompanied by the opening of additional places of rational, or innocent amusement, to which the lower classes have access?—I think it has; I think there is a great number of sources of entertainment that the poorer classes have now, and which they had not formerly, and I attribute the increase of sobriety, in a great measure, to that as well as education. It is impossible to see the effect of such places as Kew Gardens, where spirituous liquors are not made the subject of profit, where there is no sale of spirituous liquors, and it is gratifying to see the order and regularity, as well as the delight and satisfaction with which the public visit them.

7604. *Chairman.*] Are they open on Sundays?—Yes.

7605. Sir *G. Grey.*] Do you know anything of the east of London, in the neighbourhood of the Victoria Park?—Yes.

7606. Since that has been open have a great number of persons availed themselves of the opportunity which was afforded of innocent recreation?—A great number of persons; it has always struck me as much to be regretted that those large parks should be formed at the public expense, in preference to squares of four or five acre pieces, in particular districts, where they might be made a source of amusement to the public, as well as to a poor woman, for instance, going out charing and washing, this time of the year, who might leave her children in those little inclosures under the charge of the gatekeeper, and return for them in two or three hours and find them safe. The parks are too far off from the poor districts for them to avail themselves of them to the extent which they might otherwise do.

7607. Do you think in Spitalfields and Whitechapel there are spaces of ground which could be so appropriated?—Yes; there are several from two to three acres; if they were merely railed in and drained, and gravelled, or sown with grass; they would be a source of infinitely greater gratification and amusement to the labouring classes than the parks, to which they cannot get.

7608. Do you know the number who go to the Victoria Park?—An immense number, but very few of the poorer classes; a poor woman cannot take her children there because it is two or three miles off.

7609. But it is in the immediate neighbourhood of Spitalfields, or as near as can be?—Yes; but still it is a three miles walk.

7610. Lord *D. Stuart.*] Do you mean that they would desire to have something like the squares in this end of the Metropolis in those districts?—No; I would not make them pleasure-grounds, I would simply have them a square piece of grass where they could play cricket, and fly kites, and play trap and ball, and where a poor woman could leave her children and return after her day's work, and find them safe in the enclosure.

7611. Would you not have trees planted there?—Not any.

7612. Would you not have seats?—I would have a few seats in them; that is all; they might be made at very little expense to the public; in fact, I would refer

refer to the play-ground of the Westminster boys, near the Vauxhall-road, as a model for such places of recreation and amusement.

7613. I observe you stated just now, that you thought it was a pity that all those large parks should be formed at the public expense?—Simply in preference; that is, I am pleased that the parks are formed, but I would have those smaller places in preference, if I could not have both.

7614. But as to the expense, how do you propose that the expense of those smaller places of recreation should be provided for?—By a parish rate; a farthing rate from almost any parish in the Metropolis would produce just the requirement that I have stated.

7615. Would it not conduce to the public health also?—Very greatly indeed. With regard to amusement, I think, if the Committee will allow me to draw their attention for a moment to the state of the law with regard to music and dancing licences; it is a law which was passed under very different circumstances to those in which we are now living, and has no reference whatever to the present state of society at all; it only refers to London and 20 miles round it, and the perplexity that is yearly occasioned, or was till last year, when the magistrates took a different view to what they had done in previous years, and granted music licences only. Before that it was held that only music and dancing licences could be granted by the sessions under this Act, the 25th of George the Second; but such was the dissatisfaction, as well as the annoyance that the publicans were subjected to, as well as being exposed to informations, for having music in their houses, so much so, that they could not have a piano in their houses without being liable to a penalty of 100 *l.*; that an opinion was taken, and it was held that we could grant licences for music without dancing, and the result was that last year, instead of only averaging about 10 or 20 licences, 94 additional licences were granted for music only; but Lord Campbell gave an opinion some years ago, that under this Act the Quarter Sessions could not grant music licences only, but they must grant them for music and dancing, and the consequence was that for years the Bench refused licences to most public-houses.

7616. *Chairman.*] Licences for music and dancing?—Yes; while this Act continues in its present form there are great doubts as to penalties which may be incurred; for instance, if they were to give a concert in Exeter Hall before five o'clock in the afternoon there is very little doubt but that every person attending it might be apprehended as a rogue and vagabond, and the parties subject to a penalty of 100*l.*, and no concert could ever be held in that building again.

7617. Mr. *K. Seymer.*] Why before five?—The Act expressly says, that no entertainment of "a like sort," that is, music and dancing, shall be held before five o'clock in the afternoon.

7618. Mr. *Gregson.*] They do give morning concerts at Exeter Hall?—They only have rehearsals, where no money is received; the way it is got over at Willis's Rooms and Hanover-square, is, that it is a subscription concert, with patronesses and patrons, and so on; it ceases to come under the denomination of this Act, but as it so materially affects the public amusements, and the licensing system generally, it would be exceedingly desirable if the Committee would have the kindness just to regard that Act. The assistant-judge, Mr. Serjeant Adams, did three or four years ago, in consequence of the difficulty I have before alluded to, put forward a letter to the magistrates, which embodied the reasons for the Act having passed in the first instance and its absurd consequences and results, and last year notice was given at the quarter sessions that we would grant licences for both music and dancing, and music separately.

7619. Sir *G. Grey.*] Do you recommend the repeal of this Act?—I would repeal this Act, and grant the magistrates simpler powers with respect to public-houses, and restrict music and dancing to places which are not licensed as public-houses, except under certain circumstances.

7620. Your object would be to separate these places altogether from public-houses?—Yes.

7621. Assuming they are to be separate from public-houses, would you then require that they should take out any licence?—Certainly; every place which takes out a licence does become a public place of resort, and therefore the police ought to have access in order to maintain and see that good order is preserved.

 7622. I understand

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7622. I understand you to say, that this Act applies to only 20 miles roun London?—Yes.

7623. What is the case in other parts of the country?—They have music and dancing, much to the annoyance and demoralization of the inhabitants.

7624. Mr. *Gregson.*] In granting a licence you recommend the value of the house to be raised; what amount would you fix; the minimum value?—The value of the beerhouse should be raised.

7625. To what extent would you raise it?—That would depend very much upon the locality.

7626. What would you say should be the case in London?—No house should have a licence as a beerhouse in London under 30 *l.* a year.

7627. Would you place any further limit on the opening and closing of the house?—I think all houses ought to be closed, ordinary public-houses or beer-houses, at 11 or 12 o'clock at night; when I say that, of course I do not mean that a traveller should not be able to knock at a public-house, and get access at any hour he might have occasion for; that he can do under the present law; although the house is shut up he may knock, and they are bound to open to a traveller.

7628. Sir *G. Grey.*] What is the expense of a licence for music and dancing?—Only the expense of the application, which depends upon the applicant, no fees being charged by the court.

7629. Mr. *Barrow.*] Then I understand that one of your proposals would be, to assimilate the amount, and increase the fines for the offences of the publicans and the beerhouse-keepers?—I would go beyond that in the case of the publican, because he has greater opportunities of profit.

7630. *Chairman.*] You are not aware of any inconvenience which would be experienced in London or Middlesex by closing all the houses at 12 o'clock?—None whatever.

William Partridge, Esq., called in; and further Examined.

W. Partridge, Esq.

Vide Appendix.

7631. *Chairman.*] HAVE you those Returns which you stated you would submit in addition to your evidence?—Yes, I have.

7632. Will you put them in?—Yes. (*The same was delivered in.*) I am also able to state that the Chairman of our Bench concurs in the expediency of throwing open the retail trade in beer and spirits. I made that statement, and now I am authorised to repeat it.

7633. You have communicated with the Chairman of your Bench since you gave your evidence?—Yes.

7634. And you find he concurs in the views you have expressed here?—I will read a short paragraph from his letter: "I quite agree with you as to the expediency of throwing open the retail trade in beer and spirits, and believe, upon more grounds than one, that such a course would tend to the overthrow of habits of drunkenness. I hold that all legislation which renders a thing coveted less acceptable than otherwise it would be, adds to the natural stimulus an artificial impulse, and so far nourishes instead of represses the evil it aims to subdue; and in the vigour and strength which, in the case of public-houses, the law now imports to the monopolist owners of breweries and public-houses, I see a power unsparingly used to encourage drinking to the utmost, and which it is quite out of the power of the magistrates to control or overcome." I have also a letter from Messrs. Upperton & Verrall, our magistrates' clerks, somewhat confirmatory of my evidence; I have the Returns from those gentlemen.

7635. They are solicitors at Brighton?—Yes.

7636. Mr. *Gregson.*] Is that letter from the Chairman of the Quarter Sessions, or the Chairman of the Local Bench?—From Mr. Carpenter, chairman of the Brighton Bench.

7637. *Chairman.*] What is it that the clerk of the magistrates says?—He states, he forwards the returns, and goes on to say, "Many are under the impression that brewers own more public-houses, in proportion, than beershops, whilst that is by no means the case, and is constantly becoming less so. There was a time when brewers were anxious competitors for every licensed house, however large; that is, before the beerhouses were established. Now brewers are anxious to get rid of their large houses, and do not seek to acquire more such. The recent sale of the Wigney property, there the purchasers declined taking

taking several of the large inns, which were consequently not included in their purchase. There are now in this place 277 beershops, of which, of our own knowledge, acquired since the receipt of your letter, there are 99 belonging to brewers; and adopting our clerk's better experience, we should say that at least two-thirds of the 277 are the property of the brewers. Your letter, though dated on the 1st, did not arrive till the last post on the 2d, so that we did not get it until this morning. I am writing this in Mr. Verrall's absence, and he, I understand, may wish to add something. Yours very truly, *Robert Upperton*." Then there is this postscript added by Mr. Verrall, Mr. Upperton's partner, as to the character of the beershop-keepers: "I have only time to say that I have added the further particulars. If the Legislature desire to promote good order and public morality, they should place the beershops under the control of the magistrates, as respects their licences. Some of the beershop-keepers now are of most notorious bad character."

W. Partridge, Esq.

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Lunæ, 11° *die Julii*, 1853.

MEMBERS PRESENT.

Mr. Villiers.	Sir J. Pakington.
Mr W. Brown.	Mr. Gregson.
Mr. Barrow.	Sir G. Goodman.
Mr. Ker Seymer.	

THE RIGHT HON. C. P. VILLIERS, IN THE CHAIR.

Mr. *George Gray*, called in; and Examined.

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7638. *Chairman.*] WHERE do you reside?—In Manchester, at present.

7639. How long have you lived there?—I have lived there about 12 months this last time. I am not a native of Manchester; I am merely there professionally.

7640. What is your profession or calling; and for what purpose do you attend here? In what respect do you propose to give information to the Committee?—My profession is that of a manager, inventor, and general director of spectacular performances at theatres, concert-rooms, and other places of entertainment. I might more shortly designate myself as author and manager.

7641. In places of public entertainment in Manchester?—I happen to be in Manchester at the present time. That is my general profession. I might be in Aberdeen, or any other place, next week.

7642. Does your profession enable you to give any information with respect to the manner in which the places of public entertainment, where your representations are given, are conducted?—It does; I have been connected with them professionally over a period of 35 years. I have had peculiar advantages of seeing and observing, not only their practical position, but their effects morally, politically, and religiously.

7643. To what places do you particularly refer?—As I believe the inquiries of this Committee, as far as I am given to understand, are directed more particularly towards concert-rooms as connected with public-houses, this is my impression; I beg leave to state, that I am speaking in total ignorance of what the objects of this Committee are. I merely saw that Mr. William Brown, the Member for South Lancashire, had procured a Select Committee of the House of Commons to inquire into the nature of concert-rooms as connected with public-houses.

7644. Look at the terms of the reference to this Committee?—(*After reading same.*) I have looked at this, and I am prepared to say on those points, that I am ready to give every information that 30 years' experience will supply.

7645. You have referred to certain places where your services are required as an author and manager, and my question to you is, what precisely was the description of those places where you assisted as author and manager?—They are what are generally known by the term concert-rooms.

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7646. Are they literally concert-rooms, or are there other performances given there besides concerts?—From time to time the performances vary, as the demands of the public may seem to require them, and, I wish it to be particularly understood, as the restrictions inflicted on the landlord will enable him to proceed. I use the term restrictions.

7647. Are these places connected with what are called licensed public-houses or beerhouses?—Both.

7648. Are they generally so?—In every instance; it may be necessary for me to explain the important distinction.

7649. Of what?—Between what you call beerhouses and licensed public-houses, as identified with these concert-rooms; the distinction is very important to the understanding of the question. For example, a man may have a tavern who is a licensed victualler in the full sense of the word, and he will open a fine room in his house for this kind of entertainment. Now, a person may go and take any building, and get a beer licence, and that, in the contemplation of the law, would then be termed a beershop, though in truth it would be no such thing; it would be a place opened for public amusement.

7650. We understand that, for the purpose of concerts or representations, no licence is required; but persons who get licences for other purposes have rooms adjoining where these entertainments are given?—I submit you are now arriving at the very vitality of the question. There is the difficulty that they are placed in, and from whence all the evils arise.

7651. Are you prepared to state to the Committee, that there is some evil connected with these places of entertainment being connected with public-houses, or with beerhouses?—I am prepared to state both, and I am prepared to do a great deal more.

7652. Will you state to the Committee what evils you suppose to arise from concert-rooms being connected with licensed victuallers' houses or beerhouses?—I am not aware of any evil that arises from those points to which you have now referred; but there are evils arising, and very great ones, I am quite aware, which, with the patience of this Committee, I will endeavour to explain; but I apprehend they arise from very different causes than those to which you have now referred.

7653. State any evils which you consider to arise from these concert-rooms?—I must state in the first place, with your permission, that the principle of the concert-room is to combine social enjoyment with intellectual amusement. If I cannot make myself understood by the Committee in that respect, I shall not be able to go on. I use the phrase, that the principle of concert-rooms is to combine social enjoyment with intellectual amusement. Now I am prepared to submit to the Committee that that is a wise principle. How is it carried out? It is by a man going and taking a glass of ale, and hearing a song. Now, it all resolves itself into that; and persons whom I am afraid look upon them with too much prejudice, see that, and at once condemn them, with a sweeping clause, that these are places for drinking, and all the vices arising from drinking. No such thing. Now that is connecting the concert-rooms with public-houses.

7654. Are we to collect from what you have stated that it is your opinion, that concert-rooms are innocent in themselves, but connected with beerhouses, may be productive of evil?—I have not admitted anything of that kind; I have merely stated the principle of the thing, in which I see no evil whatever.

7655. Have you anything to suggest from your past experience, with reference to the regulation of these rooms in future?—I have.

7656. Now state it?—May I venture to ask, do you confine the question solely as far as I have gone with respect to connecting social enjoyment with intellectual amusement? Does your question apply no further than that?

7657. We want to know, what it is you wish to tell the Committee about; I thought you were going to state that these things were quite innocent, but, as carried out, they were attended with some evil?—I have not stated there was any evil so far as I have gone; but I will now, with your permission, tell you what I think the evils are. I have said that the principle of combining social enjoyment with intellectual amusement is a good one. I have no evil to point out in that; but I think the evil arises from the restrictions, not from the existence of these concert-rooms at all, but from the restrictions under which they labour. Now, it is a very great question with some people; it is none with me, although I am not a lawyer; whether everything they do in those places in the shape of amusement

amusement is not opposed to the law. I think—it is merely my opinion, but a reference to the Act of Parliament, I dare say, would prove it—that every hour they are open they are in the evil position of hourly violating the law.

7658. Now state what you mean by that, what cases you refer to, what violations of the law, and what your experience enables you to know as the consequence of violating the law?—I lay it down as a general principle, that a daily violation of the law is a bad thing. I must refer you to the 6 & 7 Vict. to prove that these places, while open, are violating the law. There are other Acts, whose numbers I do not remember; but I believe if the strict letter of the law of these penal statutes was carried out, that they would effectually put down all representations in these concert-rooms. That has never been done, because the moment the information is laid, the proprietors or performers against whom it is laid, always submit, and the magistrates, taking a lenient and merciful view of the case, inflict a nominal fine, and there the matter ends.

7659. Now just illustrate this sort of occurrence. What sort of case is involved in the information, and brought before the magistrates, where a nominal fine is imposed and, as you say, submitted to?—Very recently a case occurred of one laid in Manchester, to one of the most respectable men in Manchester, I mean in that department, who conducts his place beyond all reproach, and is an exceedingly clever person, and his family likewise.

7660. You are alluding to a person who has a concert-room where there are such representations as you have described?—Yes; his name is Abrahams; he, with that liberality and good taste which he has manifested through all his proceedings, endeavoured to elevate (now this is important to remember) the character of the performance.

7661. Confine yourself as near as possible to the facts; he has kept one of those rooms, and given in it these representations, and he was summoned before the magistrates?—Yes; and he immediately submitted.

7662. What was he summoned for?—For a dramatic performance under the 6 & 7 Vict., for violating that Act of Parliament; and I believe the penalty is 50 *l.*

7663. You say this occurs, and no one complains?—I did not say no one complained.

7664. You said they submitted readily?—On this principle, that he thought it would be cheapest; he pleaded guilty, and promised not to do the same thing again; the magistrates then said, "A nominal fine would meet this case, and we will take it."

7665. What kind of representation was it for which he was summoned?—It was a drama and burletta.

7666. And given at a public-house?—Given in his own concert-room.

7667. Sir *J. Pakington.*] Did you write it?—No; it was not one of my pieces.

7668. *Chairman.*] Was this concert-room connected with the licensed house?—The concert was at a licensed house.

7669. But, as far as you know of the matter, he was summoned for giving these dramatic representations?—For giving that dramatic representation; and the magistrate, Sir Humphrey Trafford, inflicted a nominal fine of 1 *l.*, and Mr. Abrahams gave a sovereign to the poor box, and there the matter ended. But since that, for merely giving a portion of the burletta and ballet of Don Juan, within the last fortnight, Mr. Abrahams has received another notice.

7670. Do you call a ballet a dramatic representation?—I am not certain whether, in the strict interpretation of the Act, it is so.

7671. It was dancing?—The ballet is action and dancing; it is an entertainment of the stage, no doubt; but whether in the literal interpretation of this penal statute it would be so rendered by the bench of magistrates, it is not for me to say.

7672. He was subsequently fined for giving a ballet?—No, he was not, but he would be if he proceeded. This is the manner in which the thing operates; this is the enormous evil; for one man may stand in the illused position that Mr. Abrahams did, for he was really punished for his merits and his deserts, and another person just across the way, from omission, or from not having a litigious overlooker, may go on and escape altogether with impunity for the very thing that the other man is fined for.

7673. Do you consider these burlettas and ballets innocent in themselves,

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and indeed capable of elevating the people, that is, improving the character of the people, and do you find these amusements prohibited by law?—I find that concert-rooms stand in this position, that the law compels—that is the term in these large concert-rooms which are now the most popular kind of amusement, having more influence than any other thing upon society—the law compels the thousands who resort to them to receive nothing but the most ribald, lowest kind of exhibitions.

7674. How does the law do that?—Because it forbids anything of a regular dramatic shape.

7675. Do you mean to say that if there was something of a ribald kind such as you describe, or something immoral, or indecent representations, that that would not come under the 6 & 7 Vict., whereas something of a higher character would?—I am not aware at all that morality or religion, or anything else, is contemplated by the 6 & 7 Vict.; it is nothing but a statute, so far as the present clauses are concerned, directed against acting. It is the most unfortunate thing that ever was, the position and manner in which these questions have always been dealt with by the Legislature.

7676. Can you state under what authority it is that the theatre is established in any town out of London?—I can.

7677. Is there a special licence for it?—The 6 & 7 Vict. extended to magistrates, all over the country, the power of granting licences in all towns where they had not that power before.

7678. Licences for what?—For theatres; it is necessary to explain that there is an old statute, I forget the name of it, but it is known by professional people as Sir Robert Walpole's Act, that not only put down theatres, but so effectually did it put them down that it took away all the power of licensing, and made, what the common law never did, acting a penal offence. Now this Act was no sooner passed, or in operation, than many of the large towns of the kingdom required theatres. Now, how were they to get them? here was an Act that put down theatres, and deprived all the authorities of the power of licensing. Then the way they went to work was this: they introduced local Acts, and wherever those local Acts came in, so much of that penal statute was removed or repealed, and some power in that circle or district was armed with the power of licensing.

7679. That Act of Walpole's is not in force now?—I will show you how it is. The power of licensing in all those Acts to which I refer was given to the Crown; the Crown *ex officio* has no power to license a theatre except in London, and where the Court is residing, and wherever this Act of Walpole's was repealed, the vacuum was filled up by arming the Crown with power to license. There were some places where this Act was still in force, and, especially, there was an Act passed empowering magistrates at quarter sessions to issue licences for a certain number of days. Now you see there was all the districts where the Act of Walpole was repealed for the purpose of issuing patents. In those the magistrates had no power of licensing; that was the state of things up to the 6 & 7 Vict., when that statute supplied all that vacuum in the towns where the Crown alone had the power of licensing, and that vacuum was filled up by arming the magistrates with power to license by the 6 & 7 Vict. So in Birmingham, Edinburgh, so in all the places where there were patent theatres. It did not damnify the patents; they were never offensive; they were still retained in their integrity as far as their defensive power extended, but the magistrates in addition to that were armed with powers to license.

7680. By the 6th and 7th Victoria?—Yes.

7681. Licensing for any dramatic representations?—Licensing for the theatres. Since that Act came into operation, licences have been issued for Liverpool, Manchester, Edinburgh, and for several large towns.

7682. When are these licences given by the magistrates; is there a day fixed for hearing applications?—There is a form in the Act; they have what is called a special sessions; but when I have been applying for one of these licences, I have served a certain notice on the clerk of the peace, who summons what they call a special sessions; and you have then, if the magistrates think proper to issue this licence, to give two securities, not money securities, but securities that you will obey the law, and not allow anything contrary to decency or propriety, or anything of that kind, in your theatre.

7683. Is there any difficulty in obtaining these licences?—Very great difficulty indeed;

indeed; in some towns they think as much of issuing a theatrical licence as the Queen would of granting a patent of peerage.

7684. Do I understand you, that for any dramatic representations, given in any place, without designating that place as a theatre, you must apply to the magistrates for a licence under the 6th and 7th Victoria?—That is the case.

7685. What is the difficulty in obtaining these licences; do the magistrates consider whether such a licence is required; is there a difficulty about the securities that they are bound to give for the character of the representation?—No; the difficulty is generally to be found in the prejudices of the magistrates.

7686. They have a reluctance to give licences indiscriminately for these representations?—They have.

7687. What do the persons pay for the licences who get them?—I forget what they are; there is something, but what it is I am not thoroughly informed of; I believe the fees differ in different towns. I refer particularly to the difficulty of getting a theatrical licence, where it is so much wanted, in the town of Manchester. It has been refused several times; and there is no theatre at all at Salford; and the state of things is most lamentable at Manchester. I should say that there is not a town in Her Majesty's dominions where another theatre is so much needed as in the great city of Manchester.

7688. What are the facts; are there persons who have applied for a licence for a theatre in Manchester and Salford, and have been refused?—Have been refused.

7689. Your opinion is, that the refusal of those licences leads to a worse kind of representation, which is given in rooms connected with public houses?—I do not see, myself, that the evils in public-houses are the consequence of that.

7690. I am not talking of the evils of public-houses; but, as far as I understand you, you say that these representations are not of that elevating character that they might be, in consequence of the difficulty of obtaining a licence?—The performances in concert-rooms are *sui generis*; and my object in coming here, is chiefly, if possible, to get them elevated. I think they are vexatiously interfered with.

7691. Is the difficulty of having representations of this elevated character that persons are liable to be informed against if they give them?—It is the terror of the law that compels the inferior kind of performance.

7692. Why can an inferior performance be given, any more than a better one, without a licence?—Because the inferior performance is within the meaning of the law, and the superior performance is interdicted by the law.

7693. Then it is not strictly a dramatic representation, what you call an inferior kind of entertainment?—I call anything but dramatic inferior and mischievous.

7694. But that can be given; something that is called a scenic or theatric representation may be given; that the law allows?—No; no scenic or dramatic representation, in the present state of the law, can be given, except at the chance of great penalties.

7695. What are these representations that are within the law, and that are given in concert-rooms?—The first, of course the staple article, is music; then the singing of all kinds of songs, serious and comic. Now, I have lately, and a friend of mine, been the means of introducing rather a variety; but I am quite sure we are against the law. Some think not. We have never been interfered with yet; I suppose it will be tested some day; that is, by what we call duets. Now, I have one of these duets in my pocket; but to make out my case it is necessary to explain what I mean. These duets are to all intents and purposes burlettas, only there would be great difficulty in the proof; they are done by two people, and we take the subject of a song or an incident, as the case may be, and work out a little incident, or story, by two persons only, the whole being a duet.

7696. As I understand, singing is within the law?—Yes; you may sing comic songs; you may have the most ribald balderdash that can be invented, and that shall be perfectly legal; and I may exercise my brains on the most truthful and beautiful subject which may elevate my auditors, and that the law says I shall not do.

7697. Mr. *Gregson.*] Which Act do you allude to?—The 6th and 7th of Victoria.

7698. *Chairman.*] As far as I understand, it is confined to singing and

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music?—I wish to impress on the minds of this Committee that the law compels the worst kind of entertainment; and what I am coming here to contend for is, the wisdom and necessity of insisting on the best.

7699. You consider that the operation of the law now is, to induce a worse kind of representation in these rooms than there otherwise would be?—I have no doubt of it.

7700. What is the amendment that you have to suggest in the law?—To reverse the law. Make the law insist on the best and exclude the worst. Insist on the drama under greater penalties than now exclude it.

7701. Do you propose that any representation should be given without a licence, or would you define the character of the representation by some law?—I am quite aware of the tremendous difficulty that surrounds this question. But if any licence is given, it must in some manner be compulsory on the party who holds that licence to give the best kind of performance, *i. e.* the drama. Why, on Saturday night last, within a few hundred yards of each other, in the town of Manchester, I was at three of the principal saloons, and in those three saloons alone there were not much less than 7,000 people assembled. Now, what can be more tremendous than knowing that every one of those people are there for good or evil of the most exciting kind?

7702. What were the representations in those saloons?—They were confined last Saturday night to singing, clog hornpipes, dancing, and so on. I would not venture to say that anything *contra bonos mores* on Saturday night was done. If these people say they will have amusement, I say the law says, "You shall have this debasing kind of entertainment, and you shall not have that which is elevating and instructive."

7703. Do you believe, from the character of the people that you saw there, if there had been more theatres open in Manchester, or those other places you have spoken of, or that the representations had been of a superior kind, that those persons would have attended there in preference to these clog hornpipes and the singing of those songs you have described as given in those saloons?—I have no more doubt than I have that virtue is beautiful, and that vice is base, that every one of those persons whom I saw there assembled on Saturday night, came away disappointed and dissatisfied, not with the attempts that were made to amuse them, but they were not enabled to have that kind of instructive amusement for which they were thirsting.

7704. Answer the question simply; do you believe if there were amusements of a higher character, that the sort of persons who attended those saloons would attend the places where they were given?—Certainly.

7705. Is that from the experience you have had of the habits of the lower classes of people?—That is from the experience that I have gathered in the very places to which I am now referring, and from a very intimate and close acquaintance with the habits, feelings, and intellectual powers of that class of people.

7706. Do you believe that if these representations of a superior kind were given, and that the price of admission was higher than these saloons which you speak of, do you think the people would pay more to go and see them?—I do not think they would pay much.

7707. What did they pay for these saloons?—At Abraham's, that is the Polytechnic, which is one of the most respectable, they pay 2 *d.*, and for that 2 *d.* they go in and sit in a comfortable place, with their wives and families, and they have two pennyworth of refreshment; they pay their 2 *d.* at the door, and get a check.

7708. They do not pay more for their refreshments?—No.

7709. That is included?—They have either a glass of ale or a bottle of ginger beer, as the case may be, and the check is received as 2 *d.* value for it.

7710. Do you know anything of the theatre at Manchester?—I was engaged in the Theatre Royal, Manchester, myself for many years.

7711. Is it well attended?—Very well; it is a magnificent theatre.

7712. Is it generally full?—I believe there is a great deal of money taken.

7713. I want to know the fact, whether the theatres, where the representations are very superior, are very well attended by the lower class of people?—Very well indeed.

7714. What is the admission there?—I think the Manchester gallery is 6 *d.*

7715. What is your opinion of the effect of altering the law with respect to licensing these theatres; what do you believe would be the result if the law was repealed,

repealed, and people might establish as many of them as they chose; do you believe there would be more theatres established in Manchester immediately?—I shall probably make the Committee laugh at my enthusiasm upon the subject, but I hope they will do me the justice to believe, that I have not hastily formed my opinions, neither have I founded them on light grounds. I regard these saloons as the only engines for public instruction now existing in society; I am quite certain the enormous beneficial purposes to which they can be turned is not at all known. I know there is a great feeling abroad with regard to public education. Every one who has tried has failed. I have no hesitation in saying, with the most profound respect, that the Church has tried public education, and totally failed. They have not failed as a Church, but they have failed from the difficulties, prejudices, and passions which beset it. They cannot get sufficient unanimity to enable the Church to say, "We are admitted as the public educators." It has never been mentioned, but I have no doubt whatever that these saloons might be made conducive to a general system of Church education.

7716. Do you mean to convey to the Committee that the saloon is a better mode of imparting instruction than the school?—It is the only mode of conveying public instruction on a large scale; it is a large school, the best of schools, because there people could be educated without themselves being aware that they were undergoing the process. The labour of receiving education is repulsive generally to adults.

7717. Do you believe that more theatres would be established, if the law was repealed which limits and restricts the number?—Saloons are not theatres; neither do I want to make them so. It would not be the smallest recommendation of the saloons elevated in the manner I advocate, that they would educate people up to theatres. By this the higher branches of literature might profit considerably.

7718. You were understood to state to this Committee, that you believe these people desire to see more of this superior kind of representation, but that the law impedes their doing so, owing to the difficulty of getting a licence; the people stop short of improvement owing to this licence; the question is, whether you believe more theatres would be established if that law was repealed?—I do not think more theatres would be; but I wish the saloons to be compelled to give dramatic representations.

7719. Do you believe that representations of a superior order would be given more numerously than they are at present, if the law was altered?—I do; I think the evils now attending them would be removed, and more of those advantages that I have referred to would ultimately be derived from them.

7720. You say you think it is a mode by which people could be improved and instructed?—Yes.

7721. At present, by the same means, they could be demoralised; it depends on the character of the representations?—I think so; I think the same power they have for good, they have also in the same degree for evil, and it all depends on the performance given.

7722. Which do you think would be most attractive, that which tends to raise the character of the audience, or that which would demoralise them?—That which would tend to raise them. I have the greatest confidence in the moral feeling of the audience of that class.

7723. Mr. *K. Seymer.*] Are you aware of the success which attended the representation of "Jack Sheppard"?—I am.

7724. Is that consistent with the answer you have just given?—I do not see myself anything particularly demoralising in "Jack Sheppard;" it is so silly a thing, and so harmless, that I am sure it was seen through by the class of people among whom I have been making representations.

7725. You are not aware of a case which occurred at the police office of a man whose delinquencies the police actually traced to his witnessing the performance of "Jack Sheppard"?—I have heard of men being choked with a leg of mutton.

7726. Sir *J. Pakington.*] You said in three saloons in Manchester there were 7,000 people, how do you know there were 7,000 people?—I did not count the heads, but I know from Mr. Laing himself and the doorkeeper; I was speaking to Mr. Laing about the business I am now speaking of to this Committee.

7727. How do you know there were 7,000 people?—By observation alone; I did not count them; I did ask Mr. Laing's doorkeeper, and Mr. Laing's door-

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keeper told me. I said, "You are very full to-night;" he said, "We are not unusually or over full."

7728. Do you know how many people those three rooms will hold if they are full?—No.

7729. You have no means of coming to an approximation of the number?—Yes, I have.

7730. *Chairman.*] Is Mr. Laing the proprietor?—Yes.

7731. Sir *J. Pakington.*] Not the proprietor of all three?—I will explain, as far as I am able; Mr. Laing gave me about 2,000 in his place alone.

7732. He said there were more than 2,000?—He said he thought there might be 2,000. I went down to the doorkeeper and said, "Have you 1,000?" He said, "More than that." "1,600?" "More," said he.

7733. As I understand you, music was going on in all three of these saloons?—Yes.

7734. You have stated that the present state of the law only admits of debasing exhibitions?—That is so.

7735. Do you consider music to be debasing?—No.

7736. Does it not depend on the nature of the music, whether it is debasing or not?—A great deal.

7737. Under the present state of the law, are not parties as free to present to their audience good music, as they are to present debasing music?—This requires some explanation.

7738. I have asked you a simple question; it is a question of fact, that you must answer according to your knowledge; I ask whether, under the present state of the law, the people who own these places are not as free to present music of a good and proper kind as they are to present debasing music?—Yes; if your question is confined to music alone.

7739. Yes it is. Then I follow that up by another question; supposing your views were adopted, and dramatic representations might be exhibited in these rooms, would not the parties writing and the parties exhibiting those dramatic representations be as free to exhibit dramatic representations of a debasing character, as well as those of a more elevating character?—No.

7740. Why not?—The authority of the Lord Chamberlain interferes. I would beg leave, with great submission, to say that you are not aware that the Lord Chamberlain's jurisdiction applies to all England, all Her Majesty's dominions; I am grateful to you, as Chairman, that you have called my attention to that important fact.

7741. *Chairman.*] You state that the check on any immoral representation would be the superintendence or inspection which the Lord Chamberlain has the power of directing?—That would be a check, and a wholesome one, but it is totally unnecessary.

7742. You say it is wholly unnecessary?—Yes; may I state why?

7743. Yes?—Because I think the censorship of those dramatic performances which are given, such burlettas and dramatic performances as I am now advocating, should be vested in the proprietor, and I will tell you why. I am a dramatic author myself, and I labour under this difficulty, that my pieces have been obliged to be performed without the Lord Chamberlain's licence, in consequence of the enormous expense of getting them licensed. The payment that I, as an author, receive for writing for provincial theatres, is so small, that if a manager is compelled to pay the Lord Chamberlain for licensing, and pay me as the author, the piece would not be represented. In many instances which I can mention, the Lord Chamberlain's fee for a licence was more than I should get as the author.

7744. Will you, as an author, give this information, as to whether, whenever you have produced a piece you have submitted it to some officer of the Lord Chamberlain's office to inspect that piece, and on which you have to pay the fee?—I once submitted a piece to the Lord Chamberlain's office, and it was rejected.

7745. Do you believe by law you are required to submit any production of yours of a dramatic kind to some inspector or officer of the Lord Chamberlain?—I am.

7746. And that you have a very heavy fee to pay on receiving his licence for that piece to be performed?—That is so.

7747. Do you speak within your own experience, of having submitted a piece once to the Lord Chamberlain's office, and which was not allowed to be performed?

formed?—That is so; I have experience also in another direction applied to that point, that I have incurred responsibility in consequence of the expense. I have had my pieces acted without having the Lord Chamberlain's licence. I have in one or two instances been obliged to go without payment; because the managers, after they have acted them, told me, "We know your piece is not licensed by the Lord Chamberlain, and you have no claim in law;" and that took place in Manchester.

7748. Can you state to what extent the Lord Chamberlain has jurisdiction over these productions of authors; is he confined to judging of the moral character of the piece, or does he criticise its general merits?—No, not its general merits; the Lord Chamberlain has simply the power of saying whether, aye or no, this piece shall be represented.

7749. But he is not obliged to say it has an immoral tendency?—If he considers it has an immoral tendency he withholds his licence; he does not sit in judgment on the merits of the piece.

7750. If a piece is refused, it is because the tendency of the piece is bad?—He thinks so.

7751. Is he the person who judges whether it is a piracy of anybody else, and an infringement of the Copyright Act?—No, not that I am aware of.

7752. You are aware that there is a copyright in dramatic productions?—I hope there is, indeed; there is a new Copyright Act, and that Copyright Act recites an international treaty with France, which lately I was a party very much concerned with.

7753. Is your complaint confined to the expense and difficulty of getting a licence from the Lord Chamberlain's office, or would you leave it entirely free for the persons to perform anything they choose to produce?—I would suggest, if such an alteration is contemplated, that the reason I object to the Lord Chamberlain is, as far as I am concerned, the expense; because it prevents me, as an author, from getting my small payment for my writings. The manager says, "I cannot afford to pay when I have to pay for my licence, therefore I will play an old piece."

7754. Do you think it is necessary to have some person to inspect these performances before they are given?—I do not.

7755. On what do you rely for performances not being given, which you say produce a greater effect than any other public performances, which have a very immoral tendency?—Public opinion, and there is the common law upon the subject. If a party commits an offence in that direction, punish him as you would any other offender; and if the present law is not sufficient, make it more stringent.

7756. Do you think that is a sufficient check without any censorship, or any public officer inspecting them?—I do, and I go one step further; I say there is another check, that no proprietor would get performers to act in any piece that they know to be immoral or indecent.

7757. I wish to call your attention to evidence that has been already given in this room by persons who have seen some of the representations in Manchester and other large towns; they describe them to be of the most immoral and indecent tendency?—I am not surprised at it.

7758. At present, you are aware that there are persons found to take part in such performances?—I said I was not surprised at it; I was not surprised that such evidence was given, for I do believe that there is a movement abroad by a certain party so virulent and vindictive against that kind of thing that they would say anything; but you will allow me to doubt the truth of that evidence.

7759. You do not believe it to be true?—I do not believe it true; but I do know this, as I have already stated, that that is the kind of thing the law winks at and encourages, and not only does that, but insists on.

7760. Sir *J. Pakington.*] Did I understand you to state that the penalty in the event of conviction of representing dramatic entertainments without a licence was 50*l.*?—I stated that under doubt, whether I was right or wrong, that that is the penalty. I think it is 50*l.*, but I am not certain.

7761. Have you ever known a case where a penalty of 50*l.* has been imposed?—I heard of a case the other day where the penalty of 100*l.* was imposed upon a man down in Tower-street.

7762. Under what circumstances?—A concert-room.

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7763. Was that a cumulative penalty?—No, he was sued for three offences.

7764. What had he done?—Given some concert.

7765. You are not aware of the 11th section of 6 & 7 Vict. cap. 68, "And be it enacted, That every person who for hire shall act or present, or cause, permit, or suffer to be acted or presented, any part in any stage play, in any place not being a patent theatre, or duly licensed as a theatre, shall forfeit such sum as shall be awarded by the court in which, or the justices by whom he shall be convicted, not exceeding 10 *l.* for every day on which he shall so offend"?—Then I suppose this man who was convicted in the 100 *l.* penalty was in London; the law differs in London.

7766. Or, it may have been a cumulative penalty for ten offences?—No; my impression is that he was sued for three penalties of 100 *l.* each, and they were content with one conviction.

7767. You have complained of the excessive cost of obtaining the licence of the Lord Chamberlain for any particular dramatic composition; are you aware what the fee is which he has the power of demanding?—Yes.

7768. What is it?—I think a one-act piece is one guinea, and anything above that is five guineas.

7769. Did I understand you to say that you had sent compositions of your own?—Yes.

7770. What fee were you called on to pay?—Not any. It was in Dublin. I sent my play, and it was returned from the Lord Chamberlain's office there.

7771. You are not aware, then, that you are as much mistaken with regard to this fee as you were with regard to the other penalty, and that the fee awarded by the Act is a fee in the discretion of the Lord Chamberlain not in any case to exceed two guineas?—It is one guinea for one Act, and two guineas for all over; that is it. It is two guineas for a three act drama. The hardship I complain of is the fee to the Lord Chamberlain.

7772. *Chairman.*] That is, one guinea?—Yes; I am very often very glad to get one guinea for the authorship of a one-act burletta.

7773. As far as I understand you, the power of refusal to grant the licence is arbitrary with the Lord Chamberlain?—I am not aware that there is anything to compel him; he is armed with quite a discretionary power.

7774. You say that, after a very considerable experience of the tastes and habits of the lower classes of people, you have observed that their disposition is for a higher order of representations than the law will admit of at present with impunity?—I hope I have made myself quite clear to this Committee on that point, and how strong my opinions are, founded on no limited knowledge. That is what is most loudly demanded, that the drama should be given in those saloons.

7775. Can you account for the fact that all the provincial theatres are very ill attended? You state that Manchester is well attended, but provincial theatres generally are very ill attended?—I am aware at the present moment that the reverse is the fact. I believe there never was a time when theatricals were flourishing more than they are at this moment. That I speak to with a thorough knowledge of the fact.

7776. Sir *G. Goodman.*] What towns?—I am aware that at this peculiar season of the year, these hot months, it is never very favourable for theatricals.

7777. *Chairman.*] Has it always been so, or have you observed a change of late years in the tastes of the people for these theatrical performances?—There is certainly a change in the taste.

7778. Is there a disposition to attend theatrical performances?—The disposition to attend theatrical performances, I am quite certain, has of late considerably increased. I am quite certain it has increased in that direction, and in such a manner that it is more likely to be permanent.

7779. Mr. *Gregson.*] Are you not aware that in several of the provincial towns the theatres are closed?—This is not their season; they are not closed in consequence of their failing in point of success.

7780. I understand they are?—Whoever has stated that lies under a great mistake. I can go through all the principal theatres of the kingdom and name them seriatim.

7781. *Chairman.*] As you state that the taste is comparatively recent for theatrical performances, do you confirm the opinion that has been expressed here, that there has been an improvement, generally speaking, in the tastes of the

the people, and that they do not exhibit that fancy for gross amusements and brutal sports that they used to do?—I am quite certain that the taste for brutal sports, prize fights, bull fights, and others of a like debasing tendency, has very much declined, and that the taste for dramatic representations has very much increased. I will explain further to the Committee, if you will allow me, that all kinds of public performance to interest must be more or less dramatic, and the more it approaches to an actual representation of the drama the more beneficial in every case it must become. You must be aware that the concert must be dramatic in its character, or it will not interest.

7782. You state, as I understand you, that the purpose for which you make the statement to the Committee, is to impress them with the notion that the law is now an impediment to the indulgence of an improved taste among the common people?—I think the law is that impediment; and I think the law, in that respect, could be altered with great advantage to the community.

7783. Do you imagine that these concert-rooms are going to be suppressed?—I was supposing such a thing; I do not know what Report may emanate from this Committee. I suggest a difficulty that must arise. I know there is a large party who wants to suppress the concert-rooms; that I know, as well as I know any other fact.

7784. Will you just state shortly what you believe would be the consequences of these concert-rooms and saloons being suppressed?—That those thousands whom these concert-rooms are now receiving, and might receive for the purpose of instruction, would be thrown on the streets, to amuse themselves in the streets and kick up rows, or to drinking and getting drunk.

7785. Do you agree with some other witnesses who have given their evidence here, that these concert-rooms and saloons are chiefly opened for the purpose of inducing persons to drink?—I am quite certain that one of the greatest correctives to drunkenness at the present moment is these concert-rooms.

7786. Can you account for their being so frequently connected with public-houses?—Certainly I can; because it enables them to carry on a more profitable business.

7787. Is not that in consuming intoxicating liquors?—No, clearly not: there are more cooling beverages, ginger beer, and things of that kind, drank than beer. I had the honour of receiving the summons to attend before this Committee this day only on Saturday. If I had had another day, I should have brought with me from Manchester the Second Annual Report of what is called the Town Mission Society, established for the purpose of examining into the abuses of concert-rooms and public-houses, with an ultimate view to their suppression; and that Report distinctly proves, beyond the possibility of contradiction, that wherever these concert-rooms have been established, vice and drunkenness, with all their evil consequences, have decreased.

7788. What is the interest of the publican in having a concert-room, if it is not for the sale of his liquors?—They get the 2*d*., the price of admission.

7789. They come there and are given drink for their twopence?—Some do and some do not, but when they come there and pay their twopence, and get their evening's amusement and their two pennyworth of ale, if they were to go into a beershop or taproom instead, they would spend a shilling instead of twopence, and come away drunk. A man interested in seeing a performance will never get drunk. The particular recommendation of the concert-rooms is the women and females associating with the men, and this has done more, in the town of Bolton, under my observation, to soften men's manners, than any effort of education that has been set on foot. My last employment was as manager of one of the largest saloons in the kingdom, belonging to Mr. William Sharples, of Bolton, and there I had a particular opportunity of observing the effect, in that direction, of women coming with their male relatives and companions, and the harmonising, beneficial, and softening effect it had on the rude manners of those Bolton boys.

7790. In your opinion it does not injure the woman in any way?—I am not aware that it does.

7791. Do they bring their families with them?—Frequently; a man and his wife and small children; and my business there was to get up grand spectacles, such as "Aladdin." I was preparing a very elaborate thing on the state of things in France, the career of Louis Napoleon, when unfortunately a fire took place, and it was all burnt down. There was great destruction both of life and property,

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but the difference between the numbers of attendants when we gave these spectacles, which were contrary to the law, and when we gave the singing, which the law sanctioned, was very great.

7792. Which was the most numerously attended?—The spectacles.

7793. Not because it was against the law?—I do not suppose the people troubled themselves about the law; they came there to be amused. It was satisfactorily proved in that instance, at least, quite sufficient for my case. Another thing I wish to point out is, the cruel injustice of some of the magistrates; to show to what extreme lengths vindictive people will go, and persons who run mad on prejudices and passions. Mr. William Sharples had one of the most magnificent museums in the north of England, which he had got together at a great expense, and great personal exertion. The whole of that was burnt, in two hours, to ashes, and I very nearly lost my own life at the time. A person who was standing beside me was buried in the ruins, and four people were killed. No sooner was this done, than, like a pack of wolves opposed to these concert-rooms, they opened upon Mr. Sharples.

7794. What do you mean by opened upon him?—They abused him; they began destroying his property.

7795. You do not mean to say it was the work of an incendiary?—No.

7796. He had his property burnt down, and then you say these people set to work to abuse him?—Yes; neither did they stop there, for the magistrates listened to these complaints and withheld his licence. That is the way I came to be so prominently connected with this business; for the injustice was so enormous that I interfered, and wrote violent articles in the newspapers, and called attention to the question in such a manner that ultimately the magistrates issued the licence.

7797. But the licence was not for the museum?—No; for his public-house.

7798. The museum was burnt down?—Yes.

7799. Did the magistrates refuse the licence to the public-house because the museum was burnt down?—No; the people clamoured out the old story of the mischiefs and the evils of concert-rooms, and said he should not have his licence. Then they made it a condition, when the licence was re-issued, that he should not admit boys. Now, this is the injustice that I want to call the attention of this Committee to. They take the boys in all the manufacturing districts at a tender age, and make premature men of them, for their labour; they grind all their poor youth, and beauty, and everything else out of them for the love of gold, and then they hold up their hands and say, "These are boys and children, and must not go into concert-rooms." I say that is not only inconsistent, but unjust. If the boys are able to go into mills and factories to earn their living in that kind of way, and are made premature men of in that way, I submit to this Committee the gross injustice of excluding them from their amusements in the evening.

7800. I suppose they consider it does them harm in some way or other?—Then they had better show their sincerity by excluding them from the mills.

7801. That is the mode in which they get their livelihood?—Yes, but the necessity is not sufficiently great to justify a moral injustice such as I now describe.

7802. Is there any other point connected with the law as it exists, that you wish to observe upon?—Yes; there is a very strong opinion abroad about amusements, free parks, free libraries, and matters of that description; and the point to which I wish to call the attention of the Committee is the enormous evils, morally and socially, arising from making any kind of amusement for the lower classes, what may be called eleemosynary.

7803. You mean providing it for them without their being called on to pay for it?—Yes; nothing is more mischievous in the present state of society.

7804. It is not required by law that any person should pay or not pay; that is not connected with the law as it exists at present?—No; but when the difficulty is represented of removing concert-rooms, they say, "We can supply their place; we will build a free library, we will have a Peel Park, and the people shall go there for nothing." Now it is against that danger that I hold up my hand.

7805. Do you think that what is given gratuitously people do not avail themselves of?—I think to the working classes eleemosynary amusement is a most dangerous principle to introduce.

7806. Mr. *Gregson.*] Do you propose to charge for admission to these parks?—Yes, everything of that kind; I object to the eleemosynary principle.

7807. Mr. *K. Seymer.*] Even applying that to the parks?—Yes, I do apply it to the parks in the strongest manner; to the free parks in Manchester.

7808. Should there be a toll at the entrance to Hyde Park and Victoria Park, which are places of recreation to thousands of the humbler classes?—National property is an exception to my observation.

7809. Mr. *Brown.*] When persons have not the means of purchasing books themselves, would you make them pay even for reading dramatic writings, which they could not otherwise procure?—I would have the payment so small that it should not be an objection, but I would have the payment so as to have the eleemosynary principle excluded.

7810. Mr. *K. Seymer.*] Are you aware that Victoria Park and Hyde Park have become national property for the very purpose of affording access to the humbler classes?—I know, as to the Peel Park, I cannot go a dozen yards in that place without seeing the invidious distinction of classes marked out, and the poor man taunted with the boon that is extended to him, which is a very great mischief.

7811. Mr. *Gregson.*] The Peel Park is public property?—It is eleemosynary.

7812. *Chairman.*] We understand you that there is an important association formed in Manchester for putting down saloons and concert-rooms?—There is.

7813. Is it styled any particular association; any name?—I think it is called the Home Mission Society; I speak under correction.

7814. Have you seen any of the evidence they have collected purporting to show the evil of these rooms?—I have.

7815. Do you dispute the correctness?—I think they have singularly failed in making out their case.

7816. Have they stated any facts that are incorrect?—Their facts, whether they are correct or not, amount to nothing; I only know that their report proved that where the concert-rooms existed the evil of drunkenness decreased.

7817. Is that in the evidence they have collected?—It is in the last annua report.

7818. But they have pointed to other evils connected with these rooms?—They have attempted to make a case, but I thought they failed; I know there is a gentleman in Manchester, who, I think, is chaplain to one of the gaols, who has got a crotchet into his head, and he asks every person who comes before him in his official capacity, "Have you been to a concert-room"? "Yes." Down it goes that he is ruined by the concert-rooms. I think it is most inconclusive.

7819. Is it not alleged that they form peculiar attractions for young persons of both sexes to meet together, and from which certain evils are said to follow?—I have already endeavoured to explain to the Committee that I thought there was great advantage in bringing the two sexes together.

7820. We thought you were alluding to man and wife going to these concert-rooms?—I allude particularly to young people; the chief advantage that I have observed arising from these concert-rooms is the associating together of young men and young women.

7821. From which you never observe any evil to follow?—I have never observed any; I have known evils to arise in many cases, if you allude to the grosser communication between male and female; but that cannot take place in a public concert-room; and I should do them gross injustice if I did not believe that the Lancashire girls prize the dignity of virtue as much as the proudest peeress in the land.

7822. Do you think the overseers of a parish would support your view in that respect, that they are not attended with any evil?—They would find it very difficult by numbers and facts to disprove it. If they referred to the statistics of night chapels they would find on which side the numbers preponderated.

7823. However, there are no evils of that kind sufficient to justify the suppression of concert-room or saloons?—No; I think that report is one of their strongest recommendations. The association in this country between male and

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female in the lower ranks of life is very valuable indeed to polish the manners and subdue the ruder passions. I have an opportunity of speaking to a case in point. I have already remarked on our place at Bolton being burned down. I resided in the house. Mr. Roberts, the leader of our orchestra, was a musician, and a clever, tasteful man, and he used to give us music with himself and his wife at the pianoforte on the Sunday evening. He had a licensed beershop; and I had particular opportunity of observing, on that limited scale, in the little tasteful overtures and arias they used to play, the subduing, refining effect it had on the young people, male and female, who attended his house.

7824. Do you represent any number of persons entertaining the same views, or having any interest in these saloons and concert-rooms?—I represent them thus far: it was well known I was the writer of certain articles in a newspaper, and so far the attention of the people on that kind of thing was directed towards me, and when we heard of this Committee being formed, it seemed, I am happy to say, that the people interested had that kind of confidence in my integrity, that they felt satisfied that, if I attended before this Committee, I should represent the thing in a truthful manner, and endeavour to see that their interests were not damaged. It is only so far that I am their representative.

7825. Do you know anything of a petition presented by Mr. Milner Gibson, purporting to come from the owners and lessees of houses of public entertainment?—No.

7826. Setting forth their apprehensions that these houses were to be suppressed?—No, I did not know of it until it was shown to me this morning by a gentleman in the room, who recalled to me an observation by Mr. Laing on Saturday night, which I did not at the time understand; that is all.

7827. You believe you have fairly expressed their sentiments in the opinions you have given to-day?—I hope I have.

Captain *Henniker Roberts*, called in; and Examined.

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7828. *Chairman.*] YOU have been connected with the Police?—Yes, in South Staffordshire.

7829. How many years?—Seven years and a half.

7830. What was your situation?—Superintendent of Police and High Constable of the Hundred of Seisdon South.

7831. Are you in that situation now?—I am not; I have left the police force altogether about two years.

7832. Was that after the county police was established?—Yes.

7833. Have you had much opportunity of observing the conduct of beerhouses in the rural part of that district?—I have had very great opportunities of watching them, and I have also paid great attention to it, and have been complimented by the magistrates at the general licensing day for the information that I have communicated to them.

7834. Are you now speaking of beerhouses or public-houses?—Of public-houses.

7835. Do you speak of beerhouses also?—And beerhouses also.

7836. You did not know anything of South Staffordshire before the constabulary was appointed?—Not before.

7837. Are there any complaints which you know of which were made particularly against the beerhouses in that part of the country?—Great irregularity in not closing during the times prescribed by the act. They have now been very much improved by the stringent watch kept on them by the police force.

7838. Do you mean to say, in the course of the time you were there, you saw a visible improvement in the conduct of those beerhouses?—The greatest.

7839. Do you connect that with the vigilance of the police?—Entirely so.

7840. In what respect; is it by laying informations against them when they offend the law, and procuring convictions?—Yes.

7841. What is the course you have adopted with regard to the beerhouses in the rural districts, which enabled you to get evidence of their offending against the law?—By the policemen on the beat, in the first instance, visiting the houses at the times when there was likely to be a breach of the licence committed, such as being open after 11 o'clock at night, for that was the hour for closing, and also on the Sunday morning, seeing that they were not open before one o'clock in the day, or during the usual hours of Divine service.

7842. Then

7842. Then the kind of offence you have particularly attended to is keeping the houses open after hours at night and on Sunday?—Yes.

7843. And did you find, in consequence of your watchfulness, that there were fewer offences committed?—The decrease of informations laid against the beerhouses of the district in 1844 and 1848, I should say would be about one-half.

7844. Comparing those two years?—Yes.

7845. In 1848 there was one-half the number of 1844?—Yes.

7846. How about the public-houses; did you watch them in the same way?—Equally with the beerhouses.

7847. Is there any reason to suppose that the public-houses offend more than the beerhouses in that respect?—No, not more so.

7848. There is a considerable temptation, I suppose, on the Saturday night and Sunday morning to keep the houses open?—Very great; that is the time the men receive their wages, and they pay for what they have had during the week.

7849. I presume then, that you think that it is a wise regulation, and that a good deal of mischief would be done in those houses if they were kept open all night on Saturday and on Sunday?—Very great indeed; great complaints were made of the disturbed state of the neighbourhood, and the time of the police was engaged in endeavouring to keep those houses in order, instead of being in more distant and more lonely parts, where they ought to have been patrolling for the purpose of intercepting people about to be engaged in crime; it took them off all other duties.

7850. Now what is your course; if you find that a beerhouse or public-house is kept open after hours, do you apply to the magistrates for a summons?—In the first instance, a report was made by the constable who had discovered the breach of the licence, and that report was made on half margin, and countersigned by the officer in charge of the station. It came to me; I inquired into the facts, saw that the evidence bore out the charge made, and wrote on the opposite half margin a request for a summons to be granted, mentioning whether there had been any previous conviction against the landlord.

7851. Where did you make this application?—To the clerk of the magistrates, generally speaking, in petty sessions.

7852. Then is the man summoned?—Yes, the summons was then issued.

7853. For the next petty sessions?—Yes.

7854. What is the usual course of the magistrates when any person has been summoned and convicted; are they fined?—It differed according to benches.

7855. Do you mean the amount of the penalty?—The amount of the penalty.

7856. Did that differ also according to the number of convictions before?—Yes, in a slight degree.

7857. Had you any difficulty in ascertaining whether there had been a previous conviction on any occasion?—No; I had a register of public-houses; and a book in which all public-house and beerhouse offences were entered.

7858. Did you find the magistrates admit that kind of evidence of a previous conviction?—I never could get them to do it, and took considerable pains to enforce it of them.

7859. The magistrates did not consider it sufficient evidence of a previous conviction?—In the first case I mentioned, on the hearing of the case, that there had been a previous conviction, that previous conviction was refused to be entertained by the bench, and they required a certificate from the clerk of the peace.

7860. This applies equally to the beerhouses and to the public-houses?—No, only to the beerhouses. I afterwards sent to Stafford for copies of previous convictions against two beerhouses, which the magistrates also refused to entertain.

7861. Do you mean that you got a copy of the record, and submitted it to the Bench?—Yes.

7862. As evidence of a previous conviction?—Yes.

7863. What did the magistrates do with that?—They refused to entertain it; the then chairman refused it.

7864. Did he assign any reason for not receiving that as evidence of the conviction, or why he would not consider it as part of the case?—No.

7865. Mr. *Barrow*.] Was your first information lodged on the 14th section of the 1st of William the Fourth?—I believe so.

7866. You lodged an information on that section which imposes a penalty not exceeding 40 *s*. for keeping open at late hours?—Yes.

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7867. Mr. *K. Seymer.*] Do you state, in making your complaint to the clerk of the magistrates, that you apply under such a section?—No, I leave it to him.

7868. Mr. *Barrow.*] Then the clerk of the magistrates draws the summons on the 14th section, and you make no objection to that, and you proceed to convict on that; that I understand to have been the course taken?—I found that difficulty occur, and I applied to the clerk to issue a summons under a section of the Act that would enable me to prove a second offence, and then I found the magistrates would not entertain it.

7869. When you issued the summons you charged it to be a second offence?—Yes, I applied for it as such.

7870. Did you produce a conviction from the clerk of the peace under the 15th section?—I did.

7871. Are you quite sure about that?—I am certain of that.

7872. *Chairman.*] Do you state this as the practice at a particular sessions in Staffordshire?—Yes.

7873. Do you know what reason is assigned for that practice?—That petty sessions was prominently known for having a disposition to inflict small penalties.

7874. Is this practice general in South Staffordshire?—No; it differs much.

7875. Just state what is the variation in practice, as far as you found it, in that division of the county?—When I first went into South Staffordshire I found Willenhall very troublesome, and in one day I laid ten informations against beerhouses at Wednesbury; Willenhall was then in the Hundred of Offlow North The first case called on was defended, and was fined 40 *s.*; the rest pleaded guilty. Shortly afterwards Willenhall was transferred to Seisdon North; the cases were then heard at Bilston, a new bench, where the magistrates were new and lenient, and every case was disputed. Sub-inspector Thompson found on entering a room, the landlord putting the cards into his pocket, and seized part of them; the landlord counter-charged the sub-inspector with attempting to steal his pocket-handkerchief; 12 or 14 witnesses were heard; Mr. Charles Brown, the attorney for the defendant, said he had 24 in the room; he did not press the charge. The magistrates' clerk swore the evidence, asked a question, and got a shilling.

7876. Mr. *Barrow.*] So many witnesses on what charge?—That they were present in the room, and saw Sub-inspector Thompson attempt to take the pocket-handkerchief out of the landlord's pocket.

7877. Upon this charge of felony, or in defence against the other?—On the defence against the other.

7878. *Chairman.*] What happened?—The landlord was convicted on the information of Thompson.

7879. The inspector?—Yes.

7880. And no further charge was made against the inspector?—No.

7881. Now, there was a neighbouring session you were going to refer to?—Yes; at Kingswinford the penalty imposed for breach of licence was seldom under 1 *l.*; for licensed victuallers higher. Informations very seldom occurred. At Wordesley, the penalty was generally to pay costs for first offence; penalty 2 *s.* 6 *d.*, often not more, has been imposed for second, or even third offence; scarcely a week passed without informations being laid against public-house and beerhouse-keepers.

7882. Mr. *Barrow.*] Are we to understand that in consequence of levying that higher penalty, you diminished the number of offences?—Yes.

7883. And the number of informations?—Yes.

7884. *Chairman.*] That is the lenient bench?—Yes; I would also call attention to this: that there is no power at present to ascertain the antecedents of applicants for a licence.

7885. Then, as far as your experience goes, the practice is anything but uniform in this district of South Staffordshire, and it a good deal depended upon what bench these beersellers might expect to come before, whether the law would have much effect on them or not?—Yes.

7886. Do you say that your experience is uniform in this respect, that when the penalties were high the offences were few?—Yes.

7887. And the contrary?—And the contrary.

7888. Do you know of any case where, without taking evidence of the previous convictions, licences have been suspended, or licences have not been renewed?—I have

I have never known the licence of a beerhouse-keeper taken away by order of the magistrates.

7889. There has been no communication on their part with the Inland Revenue?—No.

7890. To prevent the licence being issued?—None.

7891. Have you ever known a licence taken from a publican?—I have known three.

7892. What was the occasion of their being deprived of their licences?—For disorderly conduct.

7893. Allowing disorderly conduct in their houses?—Yes.

7894. Did you inform against them?—I was the cause of the licences being withdrawn from two, in consequence of the informations and representations I made to the general licensing meeting.

7895. Do you believe that the apprehension of having a licence withdrawn or suspended has an effect on the public-house?—Very great.

7896. Would you say that the beerhouses would be better conducted if they had to apprehend the same thing?—I think they would.

7897. Do you think they are conscious of the facility of procuring these licences, and are more careless in their conduct?—Yes.

7898. You are sure that has this influence, the certainty of obtaining the licence?—Yes; because even when a licensed victualler is deprived of his licence by the magistrates in general sessions for granting those licences, he easily gets a certificate, signed by six inhabitants, which he takes to the Excise, and gets a licence to sell beer as a matter of course.

7899. Mr. *K. Seymer.*] What is the form of the certificate?—I do not know.

7900. Mr. *Barrow.*] What is the greatest number of convictions you have ever known against one beerhouse-keeper?—I think eight; but I speak without book.

7901. What would be the highest penalty levied on him under any one of those convictions?—Forty shillings.

7902. Were they all before the same bench?—All before the same bench.

7903. Eight convictions within what period?—Within a period of about four years.

7904. Mr. *Gregson.*] And the last one only 40 *s.*?—Only 40 *s.*

7905. *Chairman.*] As I understood you, it is the fear of losing the licence, which you think exercises the greatest control over the publican?—Yes.

7906. And you think it would have the same effect over the beerhouse-keeper?—Yes.

7907. In that district did you attend on the licensing day?—Yes; it was part of my duty.

7908. And reported to the magistrates the character of the persons?—Of every house.

7909. Had you ever to report that some houses were disorderly?—Many of them.

7910. Have the magistrates always deprived them of their licences?—No; but I have had seven or eight licences out of 200 suspended until the adjourned licensing day.

7911. What has happened on the adjournment?—Having adjourned those licences, they were given to the men with a warning, that if they did not conduct their houses better in future, the licences would be entirely taken away.

7912. What was the effect of this caution?—Two of them neglected that caution, and lost their licences in consequence of further complaints.

7913. Do you remember those cases, and can you state that they lost their licences on the next day?—Yes, I can.

7914. Were those houses closed?—No.

7915. Was somebody else put in with a licence?—No, the licence was removed, but the house was opened under an Excise licence for selling beer.

7916. Had any other persons a licence to carry on the business in those houses?—No.

7917. Not the publican's licence?—No.

7918. But the same houses were kept open as beerhouses under the Excise licence?—Yes.

7919. Do these people occasionally, of whom you complain, transfer their licences?—Yes, there are a good many transfers in the course of the year.

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7920. If a person had offended, and had been convicted, and then transferred his licence at the annual licensing day, the magistrates would know nothing about it?—They would know nothing about it.

7921. They have no objection to the transfer of a licence from a man who has not conducted his house well to one who promises to conduct it better?—No; no objection is ever offered.

7922. Do you know anything of the property of these houses; do you believe they generally belong to the publicans themselves?—Some belong to the publicans, and some they hold as tenants.

7923. Do you know what the nature of the tenure is; is it the lease of the house, or are they held at will under some brewer, or some person who has the property in the stock as well as the public-house?—Brewers are not known in South Staffordshire; the publican has entire control.

7924. Who do they generally belong to?—To the person who holds the house as a mere matter of investment, or to themselves.

7925. What description of persons has property of that kind; are they retired tradesmen?—No, some gentlemen, some retired tradesmen; people who go into the market seeking an investment in household property.

7926. Could these persons be on the bench?—Some.

7927. But they are persons of the same station as those who are on the bench?—Seldom; the houses in the district I speak of, Kingswinford, Sedgeley, Bilston, Rowley Regis, Wednesfreed, and Willenhall, the houses are low rated; the average rating I do not think to be more than 22 *l.* 10 *s.* a year.

7928. Do these belong to the publicans themselves?—Some to the publicans themselves, and some to people who hold them as an ordinary investment.

7929. Supposing any of these people are convicted of any of the offences which publicans are in the habit of committing, they can always transfer the licence to some member of their family, supposing their conduct has been such as would forfeit it?—I have not known it to occur.

7930. Have you ever known it to occur with the beer-seller upon being convicted of an offence?—No; they have never had the rate put upon them sufficiently stringent to make them think of transferring them.

7931. Mr. *Barrow.*] They have never been disqualified?—No.

7932. *Chairman.*] Supposing a man had been convicted of felony, the Act says he shall not keep a beerhouse; have you known any such cases where beer-house-keepers had been convicted of felony?—No.

7933. Is there anything to prevent their doing so?—There would have been; if I had been aware of the fact, I should have called the attention of the Excise immediately to it.

7934. But you have never had occasion?—I never have.

7935. Did you ever call the attention of the Excise to any other cause that disqualified a man from holding a beerhouse?—Seeing a house recently licensed, and suspecting that it was under the qualification, which was a rating of 15 *l.* a year, I have sent to the surveyors of the parish, and made inquiries as to that rating, and how that rating was made up, to find whether any imposition had been practised on the Excise for the purpose of obtaining the licence for that house.

7936. Have you found that there has been?—On one occasion I did.

7937. But does not the Excise require a certificate from the overseer as to the rating?—Yes; but they throw two houses into one; they throw in the workshop, for most of the beerhouses are engaged in the trades of the district.

7938. Then, so far, the qualification required by the Act may be evaded in that way?—Yes.

7939. That when the application is made two houses are thrown into one, giving them the requisite value, and when they have got the licence they are severed?—Yes; and even during the time there is a communication. I know a case where there was a communication between two adjoining houses which were rated as being under the same holding, and a licence obtained thereon, but one-half was let off to a tenant.

7940. After the licence was obtained?—Yes.

7941. Do you think the character of the beer-seller is at all affected by that qualification required by the Act, of a certain value of rating; do you get a better

better character in consequence of the high rating?—All characters that reside in that district are so nearly on a level, that it is very difficult to say.

7942. You do not think it very important, then?—I can hardly say that.

7943. What do you rely upon for the good conduct of these houses; is it the vigilance of the police, and the proper application of the law?—Yes.

7944. More than anything that is done previously in ascertaining the character or in fixing the qualification of value of his house?—Yes, I think if you have a police force sufficiently strong, that you may make anything out of the material you have to deal with.

7945. Do you think the law is sufficiently strong now, as far as your experience enables you to observe it?—With regard to licensed houses and beerhouses, I think it is generally.

7946. Have the police any difficulty in getting evidence of the offence against the licences that are committed by these houses?—Not at all; we have power to enter and ascertain with our own eyes.

7947. Is there much gambling going on in these houses?—There was at first, but informations against the landlord, whenever detected, put it down.

7948. Is there any difficulty in getting evidence that they are playing for money, so as to bring it under the description of gaming?—Very great.

7949. So that there may be gambling, or gaming, without your being able to procure evidence of it?—Yes.

7950. Do you state that card playing is carried on extensively by houses in that district?—No, it is not.

7951. Is there anything else disreputable connected with these beerhouses, that you had occasion to observe, such as some of them being kept as brothels?—There are no brothels, with the exception of Bilston, among a population of 100,000 people. When I had to answer some queries for the House of Lords, and asked about brothels, they laughed at the idea, and said there was no necessity for brothels; the women employed in the collieries and workshops earn good wages, which makes them independent and careless of consequences.

7952. Was that the return you made?—No, I did not; that is what I was told when I asked if there were any brothels in the district.

7953. Do you say that beerhouses are not used for any other purpose but what they are professed to be?—No, except for the sale of beer; most of them are attached to works; the owners follow other occupations, such as chain makers, hinge makers, gun-barrel makers, and sword makers.

7954. Do you believe there are many houses there which sell beer without a licence?—A great number.

7955. In South Staffordshire?—In that district; particularly Rowley Regis, King's Swinford, and Sedgeley.

7956. Have you any commission under the Excise for inquiring into these matters?—No; that regulation did not come into effect at that time.

7957. Had you any power to deal with these people?—Yes; the Act gives the police the power of laying informations against the parties for selling beer without a licence.

7958. You have no power of entering houses upon suspicion?—No power.

7959. How do you get evidence of these houses selling beer or spirits without a licence?—There were people found who would get into the house, be supplied with beer, drink the beer, and then lay an information.

7960. Did you ever proceed against any house on such evidence?—Yes; I should think forty at least.

7961. How were they dealt with by the magistrates?—At first they fined them 40 *s.*; that did not abate the evil; they then inflicted, in every case, the full penalty of 5 *l.*, and that was readily paid.

7962. Have these houses always existed, or have they existed chiefly since the Beer Act?—No, they appear to have existed previously; no one of them is of recent creation.

7963. Is it not the facility of selling beer in beerhouses that has led to the establishment of these houses?—No; I found, with the exception of some three or four houses, they were under the rating of 15 *l.*

7964. Mr. *K. Seymer.*] Were these houses affording refreshment also?—No refreshment.

7965. Mr. *Barrow.*] The beerhouses are closed at 11 at night, and the public-

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public-houses have the privilege of remaining open much longer?—Yes, but now only till 12 on Saturday night.

7966. Till 12 on Saturday night, and all night on other nights?—Yes.

7967. What was the proportionate number of informations, for disorderly conduct, between the beerhouses and the public-houses?—There were few informations laid against public-houses, or beerhouses either, for disorderly conduct.

7968. There were few informations laid against one or the other for disorderly conduct?—Yes.

7969. Have you any opinion to give as to the propriety of closing public-houses as well as beerhouses during the night?—I think it would be a very good measure if public-houses were made in those districts to close at a certain hour, because there would not be more than one house found in the whole 200 houses open after 12 o'clock on any night. There is no requirement for it; and if the houses were open, generally speaking, after one, except about Christmas, they might be open for an improper purpose; but there is no demand for their being open for a good one.

7970. *Chairman.*] You say no great evil arises from the public-houses being open at night?—No; I have not found it so.

7971. Mr. *Farrow.*] Parties who have got a certain quantity of liquor at the beerhouses do now go from the beerhouses to the public-houses, when the beerhouses are closed?—Yes. I speak of the law as it exists now, not as it existed before it closed public-houses at 12 o'clock.

7972. Ever since the Beerhouse Act passed, the beerhouses have closed at an earlier hour than the public-houses?—Yes.

7973. What I want to ascertain is, whether the public-houses become more disorderly, after the hour which admitted into them the visitors from the beerhouses, who had got a certain quantity of liquor previously?—They were a great pest to respectable publicans, who complained of the influx.

7974. Then I ask you the question, whether, in your opinion, it would not be desirable to close the public-houses at the same hour as the beerhouses?—On other nights, except Saturday night, many have little money to spend, and they have to turn out so early in the morning to work.

7975. *Chairman.*] Have you anything to suggest with respect to the further restrictions on those houses as to closing, whether the hour should be earlier than 12?—I have heard it proposed that public-houses should be closed at 10 o'clock on Saturday night, but it would be a source of great inconvenience to the persons attending the markets.

7976. Do you believe that there would be inconvenience in their being closed the whole of Sunday?—There is an exceedingly well-conducted house at Bilston, the best conducted house that is known anywhere, kept by Montague Taylor, who closes his house all day on Sunday, and has done so ever since he commenced business.

7977. Would it be attended with any great inconvenience to the people generally if the houses were closed the whole of Sunday?—I do not think it would in that district; if parties might purchase ale to drink at their own houses for meals.

7978. I presume it would not be approved of by many?—Some would not approve of it; but some landlords have told me that it would give them an entire day's rest, and add much to the respectability of the families; that the parent would be better able to perform his duties, as master of the family, if the house were closed.

7979. But in that district the houses are generally full on a Sunday?—No, not very full.

7980. Do you mean, that of late years that is less the case than it used to be?—No.

7981. Have you any suggestion to offer to the Committee on the subject of the beerhouses and public-houses, or these houses which prevail so much in Staffordshire, where spirits and beer are sold without taking out a licence?—I would suggest on the subject both of public-house and beerhouse licences, that the applicant for the licence, both the victualling licence and the beerhouse licence, should give a notice at a certain time to the superintendent of the police of the district, or to the high constable of the hundred, where no police force exists, of his intention to apply for either a licensed victualler's or beerhouse licence.

7982. Some

7982. Some public notice?—A public notice; that he should state his name, occupation, and address, during the three preceding years; that the superintendent should inquire into the character of the applicant during that period of three years, following him to where he has lived not within the district, and that he should report the result of such inquiry to the magistrates. And that the magistrates, where there was an application for a beershop licence, if the sale of beer is not committed entirely to the control of the magistrates, but that it is to be left free as at present, still a three years' inquiry should be made into the character of the applicant for the beerhouse licence; and if such report of the superintendent was unfavourable to the applicant, he might appear before the licensing magistrates at the annual meeting, and appeal against that, and an investigation would take place there. On its being found that his character was unobjectionable, the application would be sent as a matter of form to the Excise, who would grant the licence in the ordinary way.

7983. Do I understand you to say that there ought to be some local inquiry into the character of the beerhouse applicant, and if there is any fault found with his character, that there should be notice sent to the Inland Revenue, and that he should be refused the licence?—Yes.

7984. At present there is nothing of that kind?—Nothing.

7985. There is no communication goes on between the Inland Revenue and the magistrates, as to the beerhouses?—None.

7986. Mr. *Gregson.*] Your recommendation applies to beerhouses only?—To beerhouses and the licensed victuallers' houses. My reason for stating that is this: that in 1844, a licensed victualler, at Dudley, had his licence taken away for permitting disorderly conduct on the premises. A general licensing meeting was held a few days after, at Wolverhampton, and he applied for and obtained a transfer of a licence to the township of Wolverhampton.

7987. He lost his licence at Dudley and got it again at Wolverhampton?—Yes, he got a house about Willenhall, or Wednesfield.

7988. There is no communication between the benches?—No.

7989. What do you suggest on this?—I suggest that the notice should be given to the superintendent of police of the district, or the high constable of the hundred, where there is no police force established, and that he should proceed to trace out the party. If in his own district, he should make inquiries, and report from his own knowledge of the district; if out of his district, he should correspond with the police authorities of that district, and inquire into the antecedents of the applicant there.

7990. You would have the police attend the magistrates at their licensing day, and give them information of the character of the applicants?—The fullest particulars.

7991. And further particulars with respect to the publicans?—Yes.

7992. So that that case could not occur again, if further inquiry were made with regard to the character of any applicant, or person renewing his licence, that you have just stated; namely, that his licence had been taken away from one place, and he had a licence conferred on him to keep a house in the neighbourhood?—Yes; the chief constable of Wolverhampton would have written to the superintendent of police of Dudley, and would have received for answer, that the person named in that application had had his licence taken away a few days before by the magistrates. I have to point out another case connected with the evasion of one of the clauses in the licence, imposing disabilities. Parish constables are prohibited by the Act from keeping public-houses, but the parish constable evades that by obtaining the licence in the name of a relative, or some person, such as an ostler, and resides on the premises, so that you have all the evil of residence of a parish constable in the house.

7993. I need not ask you, therefore, whether that constable ever informs against that house?—Never; at the general licensing meeting at the "Stew Poney," for Seisdon South, one magistrate proposed that the parish constables should be called, and asked if there had been any complaints against public-houses. It was laughed at as a joke, but eventually carried. The magistrates having little business before them that day, Mr. Foley, the chairman, put the question to the constables, whether they had any complaints to offer against any public-houses in the district; the constables all of them said "No;" the magistrates had a laugh, and the constables went out of the room. It was esteemed a joke

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7994. These constables had each of them an interest in some public-house?—No; but no parish constable will lay an information against the public-house or beerhouse. In seven and a half years' experience, I never knew but one information laid by a parish constable against a beerhouse or public-house, and then it was met by a counter charge, that it was in consequence of a dispute between the constable and the publican.

7995. Is this so fully recognised that the magistrates themselves smile who put the question?—Yes.

7996. Mr. *Barrow.*] Your acquaintance with the subject is confined to South Staffordshire?—Yes.

7997. Are you aware that when a man applies for a new licence to a public-house, he must give a certain number of months' notice?—Six months.

7998. You recommend that that same notice should be given in case of an application for a beerhouse?—I do.

7999. I need hardly ask, after what you have said, whether the magistrates of South Staffordshire are in the habit, as they are in some other districts, of requiring the person who applies for a transfer of a licence to give a full account of himself?—I have heard many transfers applied for and granted by the bench, but I never heard one single word said about character. You would have little idea of the district I am speaking of without having seen it.

8000. *Chairman.*] Are they the same magistrates who attend on the transfer days that attend on the licensing days?—No; there is one class of resident magistrates of the iron districts who attend the bench of petty sessions; but the general licensing meeting is attended by those magistrates, as well as by magistrates from rural districts, who do not appear in judicial matters at any other time.

8001. Now, how are these transfer days attended; are there certain magistrates who attend particularly to that duty?—Mr. Foley, of Prestwood, the Member for East Worcestershire, is always chairman of the licensing meeting for Seisdon South, and he is most attentive to it, and stringent in the inquiries which he makes.

8002. That is upon the licensing day?—Yes.

8003. Does he attend on the transfer day?—No; on no other occasion.

8004. Is it certain who does attend on the transfer day?—No.

8005. Is it not almost a matter of course that the transfer takes place?—It is considered a matter of course.

8006. A man might get a licence on one day, and then within a couple of months might transfer it to any one else without any inquiry being made?—I do not think there would be any inquiry; no notice is served on the police of the intention to transfer that licence. The parish constable is the person who is employed now; and as he gets his fees, and plenty of drink, he never says anything adverse to the parties.

8007. Is there a fee paid to the parish constable on a transfer being made?—Yes.

8008. Would he not receive that fee if the transfer was refused?—Yes, he would, certainly.

8009. Have you any suggestions to make with respect to these houses which sell beer and spirits without a licence?—Yes.

8010. They are considered unfair traders by those who are obliged to pay for licences?—Great complaints are made to me about it; my attention was called to the subject of the extensive sale of beer in private houses by persons not licensed in the parishes of Rowley Regis, Kingswinford, Sedgeley, and other parishes in Staffordshire. The first parties who complained were the inhabitants, who thought, from the disturbance heard at times during the night, that the police did not do their duty in keeping the public-houses and beerhouses in good order. The next who complained were the owners of large iron works, where the work is carried on night and day, and iron in a state of fusion, which suffers from any neglect a great depreciation; so that some said they lost from 5 *l.* to 10 *l.* from their men leaving their work to go to these unlicensed beer places. The third class were the publicans and beer-sellers of the district, who complained that these people were selling without licences, when they themselves were paying government for licences. I had considerable difficulty in getting people to give evidence, and I said to the publicans, and the persons who complained, "You know the character of your neighbourhood, cannot you get some one to give

give information of the fact?" I could not get them. It became a very great evil, and at last one witness was brought forward. I got two or three convictions in that case, the parties being fined 40 *s.*, and had to pay the costs. But the magistrates found, on recurrence, that 40 *s.* was insufficient, and they inflicted from that time forward, every bench that I laid those informations before, the full penalty of 5 *l.*, which was always paid by the parties, and by one person three times.

8011. Mr. *Gregson.*] Is that penalty paid by the parties themselves, or by the brewers?—By the parties; there are no brewers' houses known, and no wife is a good housewife, in that country, who cannot brew as well as bake.

8012. *Chairman.*] Then they brew this beer themselves?—Yes.

8013. Are all the persons liable who are found in these houses consuming beer and spirits, as well as the landlord?—No; the sale of beer and spirits by unlicensed parties has been complained of in many other districts also; and other officers I have talked to have told me of the great difficulty they have had.

8014. Mr. *Barrow.*] Did you find that the 5 *l.* penalty had its effect upon the man?—It was a woman.

8015. Did that stop the sale without a licence?—No, not until she built a house which was rated at 21 *l.* a year; she then got a certificate signed, giving her a character, and got a retail licence from the Excise, and at the annual licensing day gave notice of her intention of applying for a victualler's licence; but when she found that I was aware of it, she went away and left the place, and never went before the magistrates.

8016. Did you never try to levy a higher penalty than 5 *l.*?—I did; and in order to do that, I communicated cases to the Excise, and asked the Excise to support me in it. I communicated with the collector of Excise, and with the supervisors of the district, but I never could get the Excise to take up the prosecutions.

8017. *Chairman.*] Do you mean to pay for the expenses of the prosecutions?—No; although I offered to give them every assistance in my power, I found there was a latent jealousy that it was impossible to contend with. The Excise penalty is 20 *l.*

8018. There was no charge of the spirits being illicit?—No; it was beer.

8019. That had paid the duty?—Yes; the malt had paid the duty; there was no charge of defrauding the revenue. It was merely a case of breach of the public peace.

8020. All the revenue suffers, in that respect, is the loss of what is paid for the licence?—Yes.

8021. But it leads to a greater consumption of spirits and beer, in fact?—Yes.

8022. In your belief, do these houses go on quite as extensively as they did before?—Quite as extensively; and the remedy I would suggest, as enabling the police to put down these houses, would be taking the Act, which gives power to the police to enter, and take every person found in a shebeen house in Ireland before the magistrate, and the clause of the Metropolitan Police Act with regard to gaming houses, but having a due regard to the security of the dwelling-house; and to guard against the malice of neighbours, I would propose that, on the oath of two rated inhabitants, or two officers of Excise, or police, the magistrates should issue a summons to the party complained of, to appear before them, and enter into sureties to keep the peace, and be of good behaviour for 12 months, and should, during the period of the said 12 months, any two such persons as aforesaid make complaints on oath, the magistrates should grant a warrant to enter the house by day or night, and bring the parties found therein before them.

8023. That does not exist now?—No.

8024. You have only the power now to impose penalties for selling beer or spirits without a licence?—Yes; and there is a great aversion by the magistrates to have the police employed in disguise to enter these houses, so as to give evidence.

8025. Would you have the two rated inhabitants summon this householder, without stating the grounds on which they have sued out the summons?—That, according to the best of their belief, beer was sold to persons, and consumed on the premises without a licence.

8026. You have reason to believe that would be a more effective check than

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anything that has yet been tried?—Yes; the effect of a person having to appear before the magistrates to enter into sureties, would give the fact such a degree of notoriety, that any person who went into the house would go in there knowingly and wilfully.

8027. Does your connexion with the police enable you to state, whether gaming houses, where this power exists, or where there is this liability attaching to anybody found therein, has increased or diminished of late years?—Very much decreased the taste of people for entering them.

8028. Are gaming houses on the increase, or is it only the betting shops which have increased?—Betting shops are on the increase, but gaming houses are not; their public existence has ceased.

8029. Is not gaming allowed at all race-courses and fairs, as it used to be?—No; I had many applications. A man came to me, and said, "There is a fair to be held at such a place, and I am so-and-so, the proprietor of a marquee for roulette; the Superintendent of Police at such a place allows me to set it up," naming different places. I told him that all gaming was forbidden, and all I had got to do was to carry out my instructions.

8030. How long ago was that?—In 1847. The man told me he came from the neighbourhood of Worcester.

8031. Is there any Act since that time which prohibits gaming on these public occasions?—None; the same Acts that prohibit it now were in force then.

8032. On what authority is it that these people have gaming-tables at races and fairs?—They are winked at; they are allowed to set them up, and the police do not interfere.

8033. Have you ever attended at the races at Wolverhampton, and in that district of South Staffordshire?—Yes.

8034. Are there not gaming-tables there?—When the constabulary force had Wolverhampton, there was no gaming allowed anywhere; it was put down with a most stringent hand.

8035. You know nothing about it now it is subject to the borough police?—It is subject to the borough police now; therefore I cannot say anything about it.

8036. Have you any other suggestion to make with regard to the conduct of these houses?—I do not know whether this would come in well here; it was a note I had, to state what was the condition of the beer and public-houses in South Staffordshire, prior to the establishment of the constabulary in 1842.

8037. Have you any knowledge of that?—It was stated to me, that no other penalties were exacted from them for any misconduct, except that which was levied by a gang of informers who went out from Birmingham, and laid informations against publicans and beerhouse-keepers. Having shown their power, they then compounded with them, and received an annual black mail, which was regularly collected by the head of the party. I believe it was felt not only in Staffordshire and Warwickshire, but Leicestershire and counties at a greater distance.

8038. This was before the time of the constabulary?—Yes.

8039. Do you know anything of the opinion of the county before that time time and since, as to the conduct and the general effect of the beerhouses; do they complain less now than they used to do?—Much less.

8040. Did they complain much before?—Very much indeed.

8041. Have you got any evidence of the improvement of public-houses in that county?—I have had letters since I left there, from clergymen and gentlemen of the neighbourhood, speaking of a great alteration that had been made in the conduct of the public and beerhouses during the time I was in South Staffordshire.

8042. And referring it to the vigilance of the police?—Yes, entirely referring it to the control exercised by the police.

8043. You think it is sufficient that there should be an adequate police in number, and that they should be watchful over these houses, and that you should have some competent authority ready to administer the law impartially when it has been violated?—Yes.

8044. Not exercising their discretion, but on information of an offence committed to apply the law?—Yes.

8045. Do you believe that would have a great effect on these houses, if they were certain that the law would be applied?—Yes, that is the great thing; the certainty

certainty of the law being applied in case of misconduct brings most men down to a regular line of conduct.

8046. And that is a security against the misconduct of beerhouses and public-houses, that they are watched by the police, and the law strictly applied by the magistrates?—Yes; it is the great security the public have.

8047. And your experience of magistrates is, that they vary a good deal in opinion, in the way in which they exercise their authority?—Yes.

8048. Mr. *Gregson.*] Your informations have chiefly been for exceeding the prohibited hours, not for disorderly conduct?—Yes.

8049. Does that apply to both public-houses and beerhouses?—Yes.

8050. Are you in the pottery district?—No, the mining district.

8051. Do you conceive the character of these houses has improved generally, both beerhouses and public-houses?—Yes; and what is more, the manners of the keepers of them.

8052. *Chairman.*] A more respectable class of persons?—Their manners appear softened.

8053. Mr. *Brown.*] You spoke of the evil that arises from the parish constables keeping beerhouses?—Yes.

8054. Do you not think that the same evil would arise by any individual carrying on two trades, that he could not superintend his public-house or beerhouse, and be foreman of works?—The owner of works, a man with a 30-horse engine, employing a hundred men, lives in a beerhouse.

8055. As the proprietor of it?—Yes.

8056. Do you consider that a great evil?—The answer to your proposition has so many bearings that I feel myself incompetent to give one.

8057. Do you not think, if the proprietor of an establishment employed a hundred men, and had them under his control and payment, and kept a beerhouse, that that would be a great inducement for them to go there and drink?—He will not employ them if they do not.

8058. There can be no doubt of its being an evil?—Certainly; and he gets a profit out of the sale of beer, and then he goes into the market and undersells the regular manufacturer.

8059. *Chairman.*] In fact it is the truck system?—Yes, it is a branch of that.

8060. Mr. *Brown.*] Then it is desirable that the beerhouse-keeper should be a beerhouse-keeper, and nothing else; and that the public-house keeper should be a public-house keeper, and nothing else?—In the country it seldom occurs that you find a man who is merely a public-house keeper and nothing else; you will find in the rural districts, besides the public-house, he has got a farm; and you will find in towns that the landlord himself is engaged in some other branch of business, leaving in a great measure to his wife, or to a barmaid, the superintendence of the business at home. If you were to confine beerhouse-keepers and licensed victuallers solely to that, I think you would make many of them throw up their licences.

8061. Mr. *Barrow.*] In the rural districts it is not of importance or of profit enough to maintain a man?—No.

8062. Is it very common in South Staffordshire for a person who employs a number of workmen to keep a public-house, or beerhouse?—There are great numbers.

8063. Is that a coal district, as well as an iron district?—Coal and iron, and the manufacture of iron into articles; for carrying on what is known under the name of the Birmingham trade; it is a mining and manufacturing district, and also for glass and fire bricks.

8064. You are not acquainted with other districts?—No, not officially. I know other districts; I know the rural districts of Essex and Suffolk very well.

8065. *Chairman.*] Have you been in any official situation in those counties?—No.

8066. Mr. *Barrow.*] Do you not find that the public-houses in Essex and Suffolk are under the same peculiarity, that the persons keeping them employ a great number of persons?—No; they are small farmers, higlers, &c.

8067. Mr. *Brown.*] Would you say that where a respectable publican has a farm attached to his establishment for the purpose of agriculture, or for the purpose of furnishing provisions for his house, or hay to his horses, that it would be desirable to disconnect them?—No; the manure from his stable forms a great item, especially in the agriculture of the present day.

8068. *Chairman.*] Do you feel yourself competent to give an opinion to the

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Committee as to whether the beerhouses are the occasion of crimes being committed, or of crimes being concocted, or are they merely places where persons so disposed assemble, as they would assemble elsewhere if these houses did not exist?—They would assemble somewhere else; if they did not assemble at the beerhouse they might assemble at the blacksmith's forge.

8069. Can you say from your previous experience of the lower classes of persons, that the beerhouse has influenced their character injuriously?—No; I never heard of any crime there that was traceable to a public-house or beerhouse.

8070. Now, you state that you are acquainted with these agricultural districts as well as the mining districts; would you say that the beerhouse had demoralised the people in the rural districts?—There it is different; it induces many to gather together at a lonely beerhouse who otherwise would not.

8071. Would they not gather together at this forge, or somewhere else?—Yes, I suppose they would; for the blacksmith's forge is generally the great gossip-shop of a village.

8072. Have you any reason to believe that those people went to bed sober and innocent before the Beer Act, that are now said to be guilty of poaching or stealing?—No; I did not find much difference produced by the introduction of the Beer Act. I was intimate with several brewers at the time of the introduction of the Act, and had many conversations with them about the great evils which were expected from it; but I have never found that any great mischief has been produced in large communities by the facilities afforded for the sale of beer, nor have I found that there have been great facilities afforded for the sale of beer which it was said the Act would give, and that people would be able to buy beer as they would any other article of domestic consumption, at a cheaper rate than at a public-house.

8073. With respect to the facilities given for committing offences, these places are known to the police; and if there is an efficient police, they know where to look for the offenders, or for those people who commit offences and crimes?—As a police measure the best thing you can do is, to bring people into as large assemblages as possible.

8074. It gives facilities to the police in detecting crime?—Yes; the great difficulty in detecting crime in South Staffordshire, or in those districts, was that the men who committed crime were not men who lived entirely by crime, but were men very often in good work, and earning large sums of money, but who met occasionally; and it appeared as a sort of diversion that they went off to commit a burglary.

8075. Mr. *Gregson.*] Are many of these beerhouses the resort of thieves and prostitutes?—No, I do not think so.

8076. Mr. *Barrow.*] How does the answer you have just given correspond with the one you gave a little time ago, that the facility of meeting and remaining up to a certain hour in the beerhouse did not tend to the commission of burglaries and crimes of that description?—I have never known offences to have been concocted in them, or for parties to have met for the purposes of concocting offences, at either the beerhouses or the public-houses in the district. The common place which they have usually met at, has been the hovel attached to a coal pit.

8077. *Chairman.*] Under the present system, there is every facility that people could have of getting drunk, if so disposed?—They get very high wages now; that is the great facility.

8078. If the trade was more free than it is now, there would not be much greater facility for getting drunk, if the people were so inclined?—No.

8079. Did you allude just now to the quality of the beer; did you say that the Beer Act had had any effect on the liquor sold?—No.

8080. Do you know what effect it has had in that respect; is the beer better in South Staffordshire than it used to be?—I heard it was much worse; I found great fault with it. They told me that they had little cause to boast of their beer, and that it had been better formerly.

8081. Mr. *Barrow.*] That the additional competition of the Beerhouse Act had made it worse rather than better?—That I do not know as a fact.

8082. *Chairman.*] Do you believe that it is adulterated very much?—I liked my beer very much indeed before I went there, but I had not been in Staffordshire a week before I gave it up.

8083. Have you not reason to know that beer is adulterated in Staffordshire; have you ever had informations against people?—Never.

8084. It

8084. It is against the licence to adulterate beer?—Yes; and the houses have the reputation of "devilling" the drink.

8085. Did you hear the evidence of Colonel Hogg the other day?—Yes.

8086. Did you hear him refer to houses where they sell beer of a certain strength, and where they put in adulterating matter to give it an intoxicating effect; have you ever known a case of that kind?—No.

8087. Mr. *Barrow.*] Are there many houses in South Staffordshire which sell beer at so low a rate as not to require a licence, the 1½ *d.* beer?—No; it is not known.

8088. Nor many who sell it to be drunk on the premises?—No; the Excise returns which I have got, show that there are only two houses licensed to sell beer not to be drunk on the premises out of the whole district.

8089. Mr. *Brown.*] Do you see any good reason why a beerhouse selling table-beer at 1½ *d.* the quart, should be exempt from the licence that other beer-sellers have to pay; does it not enable them to sell a better kind of beer, without a licence at all?—Yes, a great many of these "wabble shops" pleaded before the magistrates, that it was only "penny beer."

8090. *Chairman.*] What do you call "wabble" shops; where they sell without a licence at all?—The same as "hush shops" of Lancashire.

8091. Mr. *Brown.*] It is a cloak, in fact, for selling something else?—Yes; there has been a great march in the way of temperance, and the article of ginger-beer is now sold extensively among the iron works, and in the neighbourhood of the iron works the hucksters have bottles of ginger beer in the windows, which are sold to the men; and every public-house sells ginger beer, soda water, and lemonade.

8092. Is that without a licence?—Yes; there is a disposition on the part of the people to avail themselves of lighter drinks.

8093. Have you any other suggestions to make to the Committee?—No.

8094. Mr. *Brown.*] Do you not think that it would add to the respectability of beerhouses and public-houses, if they had to pay a little more for their licences; would they not be more afraid of losing them?—They complain dreadfully of what they have to pay now.

8095. But supposing they paid a little more, would it not add to the respectability?—Not for that district. In 1848, Mr. Foley being Chairman of the annual licensing meeting, at the Stew Poney, a resolution was carried, that no licence should be granted to a house that was rated to the poor at less than 20 *l.* a year. There were five applications the next year made for licences, and I caused the rating to be obtained from the overseers of the parish from whence the application came, and there were two houses which were rated at sufficient, at 20 *l.*

8906. Is there not great difficulty in the rating being a qualification for the licence; in rural districts and in towns they value houses of the same size which are totally dissimilar?—Yes; the remedy I would propose for that would be, that the rating of houses should be settled at the quarter sessions, and that according to the nature of the districts in that county, the magistrates in quarter sessions should settle the minimum rating of houses to which licences should be granted.

8097. That would allow of a very extensive discretion on the part of the magistrates; and it appears now, there is a great difference of opinion as to the fine they should inflict; it would open the door still wider?—No; you have the principle laid down in this case I spoke of, where the magistrates agreed that in 1848 there should be no licences granted to houses rated at less than 20 *l.* a year. The next year Mr. Foley was absent, another magistrate was in the chair; I pointed out the deficiency of rating; one house being rated to the poor at 14 *l.* 16 *s.*, and a licence was granted to that house.

8098. Mr. *Gregson.*] What minimum would you suggest in your district?—I think that the 20 *l.* that the magistrates named was such a sum as would ensure your getting a house that would give the accommodation required by the public. Out of these two hundred houses there are not ten where you could go and ask for a bed, and get one; they are only drinking houses. In Brierly Hill we had 48 public-houses; I wanted a bed once, and went to a house called an hotel, they told me they would not be able to get me one before the next day, as there was a portion of the club-room to be parted off, and a bed put up specially for the occasion.

Veneris, 15 *die Julii*, 1853.

MEMBERS PRESENT.

Mr. Villiers.	Lord Ernest Bruce.
Sir G. Grey.	Lord Dudley Stuart.
Mr. Lowe.	Sir George Goodman.
Mr. Barrow.	

THE RIGHT HON. C. P. VILLIERS, IN THE CHAIR.

Norman Macdonald, Esq., called in; and Examined.

N. Macdonald, Esq. 15 July 1853.

8099. *Chairman.*] WHAT is the office you hold in the Lord Chamberlain's Office?—I am superintendent of his department.

8100. Have you anything to do with the licensing of dramatic performances?—Yes, all matters connected with the licensing pass through my hands.

8101. State precisely what is the privilege of the Lord Chamberlain with respect to such productions?—The Lord Chamberlain's powers extend over the whole of what is included in the boundaries of the metropolitan districts.

8102. Jurisdiction for what?—The power of licensing every place in which any theatrical entertainment of any sort can be performed.

8103. That would apply to any place or any theatre?—To a theatre or saloon.

8104. Then we will distinguish the privilege, first, as to the licence given to places for theatrical representation, and then as to the representation itself?—The licence to places is confined to the district included in the metropolitan boundaries; the licence for plays extends over the whole country, excluding Ireland.

8105. What is the licence that the Lord Chamberlain gives to any place for theatrical representations?—There is a particular form of licence; there are two forms, one given to a theatre, and one given to what is called a saloon; and upon the giving of that licence, the person to whom the licence is given is bound to enter into a bond for the performance of a certain contract, for which he enters into sureties, himself and two other persons. I have brought the form of those two licences here, in case the Committee should wish to see them; and I beg to draw the attention of the Committee to the additional clause which has been inserted by the Lord Chamberlain for the security of the public.

8106. The licence to a theatre, and the licence for a saloon?—Yes, and the form of a bond which is entered into.

8107. State to the Committee what it is that persons receiving licences undertake to do?—They undertake that a certain class of entertainment which is specified in the Act of the 6th & 7th of Victoria should be performed in these places, and that they are willing to subscribe to the Lord Chamberlain's authority, which provides that in the case of any violation of his regulations, that licence should be forfeited.

8108. Is there any definition of the kind of representation, or do you refer, in that license, to the Act which does define the sort of representation that persons may give in places so licensed?—The words used in the licence is "stage plays," and the meaning of stage plays is understood to be the definition laid down in the Act.

8109. Is that an Act for regulating theatres?—Yes, under the 6th & 7th Victoria. The Act says, "the word 'stage plays' shall be taken to include every tragedy, comedy, farce, opera, burletta, interlude, melodrama, pantomime, or other entertainment of the stage, or any part thereof."

8110. The licence to the saloon or licence to the theatre, as regards the representation, is the same?—It is the same.

8111. That privilege of licensing these representations is confined to the metropolitan districts?—To the metropolitan districts, and to any places in which the Court has been in the habit of residing; and the two places that are included under that are Windsor and Brighton.

8112. There are two of the theatres which have their authority from patent?—Drury Lane and Covent Garden are open by patent.

8113. Killegrew's

8113. Killegrew's patent?—Killegrew's and Davenant's patents.

8114. Given in Charles the Second's reign?—Yes.

8115. State to the Committee what is the jurisdiction which the Lord Chamberlain has over dramatic productions?—No dramatic production of any kind can be produced in this country without the licence of the Lord Chamberlain.

8116. Is that the United Kingdom?—It extends over Great Britain, not Ireland.

8117. Will you state upon what terms it is that the Lord Chamberlain grants this permission?—The form of proceeding is this: the stage play is sent to the Lord Chamberlain's office, not by the author, but by the manager of a theatre, for the licence is given for the performance, not to the author, but to the recognised manager of a theatre.

8118. For which this production may have been written?—Yes; it is then submitted to a gentleman, who is called the Examiner of plays, and if upon examination he sees nothing objectionable, the licence is granted, as a matter of course, by the Lord Chamberlain.

8119. What is the character of this censorship of the examiner of plays; does it extend to the merits of the play, or is it confined to its moral tendency only?—Entirely to the moral tendency.

8120. Then the purpose of this censorship, or examination of such productions, is to prevent anything being represented having an immoral or perhaps an irreligious tendency?—An immoral, irreligious, or seditious character; perhaps the more proper expression may be, politically offensive.

8121. Anything having a political tendency is not allowed?—That might fairly be considered as having an offensive political tendency, especially when tending to personality.

8122. Does the Lord Chamberlain indicate to the examiner upon what principle he is to proceed in his examination?—No; there are no specified rules; but the understanding is perfectly clear, that unless the matter is excessively and extravagantly offensive, that the licence should not be withheld.

8123. Who is the person who fills the office of examiner of plays?—The present examiner of plays is Mr. Kemble, the son of Mr. Charles Kemble; but he has been abroad for some time in consequence of legal business in which he is connected in the Courts of Germany, and the office is executed by Mr. Donne, who is a most painstaking and efficient person.

8124. Is the person usually appointed to that office required to have some experience in theatrical representations, or acquaintance with the drama?—In the case of the appointment of Mr. Kemble it was considered probable, from his connexion with the stage, and a family that had been so long on the stage, that he was peculiarly marked out.

8125. Mr. *Lowe*.] Did not Mr. Colman hold the office once?—Yes.

8126. *Chairman*.] What number of plays are on an average annually submitted to this officer with a view to being licensed?—I have directed that an average should be taken of the last five years, and I find that in 1850 there were 230 submitted, and none rejected; in 1851, there were 228, and five rejected; and in 1852, 225, and three rejected.

8127. Have you ever observed what the number has been in former years, so as to inform us whether the number of these productions are increasing?—No; I am not aware beyond that, what is the number; my belief is that there has been no great difference in the number.

8128. For some years past?—Yes.

8129. Do you know on what ground these five in one year, and three in another, were rejected?—Yes; one was rejected from the very gross and monstrous nature of the incidents that were introduced into it, that were quite unfit to be put on any stage.

8130. Immoral in their character?—Grossly immoral; two were rejected at the time of the excitement respecting Cardinal Wiseman, on account of their proposing to introduce very offensive allusions to the Roman Catholics; and two of them were French plays, which had had a good deal of success in Paris, but which were still thought not very desirable to produce here.

8131. Were they to be represented at the French theatre?—Yes.

8132. Your jurisdiction would extend to that theatre?—Yes.

8133. To theatres where representations in foreign languages are given?—Yes, over everything; over operas, French and German.

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8134. Mr. *Lowe.*] Have you the names of those French pieces?—One was called the "*La Dame aux Camelias*," and the other "*La Tour de Nesle.*"

8135. *Chairman.*] Does your jurisdiction extend to ballets?—I believe it does so, in fact, but generally it regards something to be spoken. Pantomime comes under our jurisdiction.

8136. Is there anybody from the Lord Chamberlain's Office invited to the rehearsals of such pieces?—Yes; the examiner of plays is supposed not only to examine the play, but to go and see whether the manner in which it is put on the stage is proper, and not offensive.

8137. What would be the case if there was any departure from what had been sanctioned by the examiner in such cases; could the licence be taken away?—Immediately notice is sent to the manager, and if he does not comply with it the licence is liable to be taken away from him.

8138. That, I presume, is a check on anything of that sort being done?—And very necessary sometimes. The actors very often wish to put the thing more broadly before the audience than was intended.

8139. Is it the practice at certain periods of the year, for instance, just before the pantomimes are given, for some one from the Lord Chamberlain's Office to attend at the theatres, and to see what is going to be represented?—I do not think it is always done, because the managers generally are very cautious now, and very unwilling that anything should be done, and generally, if it is done, it is done against their wish, and against their orders.

8140. There is a fee paid when these dramatic productions are submitted to your office, and it varies in amount?—Perhaps you would allow me to state, before you proceed, that after the play has been examined by the examiner, if it is pronounced to be injurious or objectionable, then it is submitted to myself as the head of the department, and finally to the Lord Chamberlain, who examines it himself, previous to the licence being refused. In the case of a refusal, the examiner's fiat is not a final one; he reports it to the Lord Chamberlain, and, after examination, he decides as to whether the licence should be refused.

8141. Is that on an appeal by the author?—No, as a matter of course.

8142. It is reported to you that there is something to be rejected?—Yes; we then examine it to see whether we think his judgment is correct in the decision.

8143. Does it ever occur that you do not confirm it?—Yes, it has occurred on more than one occasion that I have thought in the first instance, and the Lord Chamberlain also has thought, that the objection was not sufficiently strong to warrant the interdict being laid on it.

8144. Mr. *Lowe.*] Do you ever stop a thing that he has passed?—No.

8145. *Chairman.*] These cases are rare?—Very rare indeed.

8146. Then as to the fee paid, it is paid by the manager?—The fee is paid by the manager, and that fee is 2 *l.* for any play of three acts or more, and 1 *l.* for any play of one act and not more than three.

8147. Lord *E. Bruce.*] Is it one pound or one guinea?—£. 1; 2 *l.* for five acts, and 1 *l.* for anything under three.

8148. And three?—Yes.

8149. *Chairman.*] Is this fee paid on the manager first transmitting the piece to the office?—No, after approval.

8150. And not if it is rejected?—Not if it is rejected.

8151. Have you any reason to believe that any number of plays are not submitted to the Chamberlain's Office on account of the fee being too large?—My strong impression would be, certainly not.

8152. You have no reason to believe that that is the case?—I should think certainly not, and judging by the nature of the plays that I have seen, a great many of them, I should say it was hardly possible that any play of merit would not come before the office.

8153. Have you any means of knowing, or have you heard, what the managers pay the authors for some of the lower kind of pieces?—I do not know, but I should think for a very great number of them that the payment was necessarily very small.

8154. Even of those that come before you?—Yes.

8155. A statement has been made here, that the fee is considerably larger in some cases than what the manager pays to the author?—I should think that is very probable.

8156. And

8156. And for such popular, though inferior productions, that might be an impediment?—Yes.

8157. Then with respect to the saloons, is there a different kind of representation that is produced for such places, and is the piece named when submitted to you?—Every theatre and saloon is obliged to send a bill of the evening's representation to the office, where it is examined, to see that whatever is performed is a performance that has been previously licensed. There is no difference in the performance of a theatre and a saloon, except that probably the performances of a theatre are of a higher class.

8158. Have you ever had any question as to whether certain representations were such that you had authority over or not, and which might almost be called theatrical representations, but which, from some reason or other, were said not to be subject to your jurisdiction?—Yes; the managers of theatres have represented to us, that it is very hard that other places should be opened and certain performances allowed, which, of course, are injurious to their interest, and calculated to attract the public from their theatres.

8159. What sort of representations are those; is there dialogue?—I believe that they vary; that there are several places of that sort which are open in the suburbs of London. I believe that one or two of them are certainly not objectionable. I have taken some pains to ascertain. I do not believe they are objectionable. I think it would be much better that they should be licensed; but I think there are others which are principally attended by, and which are intended for, the very young class of people, and which are almost entirely attended by young boys and girls, which certainly are most objectionable, and calculated, I think, to do a very great infinity of harm.

8160. Those places you do not licence, and they claim the right to give the representation without your authority?—They do; and there appears to me to be a defect in the Act of the 6 & 7 Vict., which is, that there is no particular person appointed for enforcing the regulations and the penalties of the Act; the consequence is, that the Lord Chamberlain does not like to interfere, and the police do not like to interfere.

8161. Are you referring particularly to what are called penny theatres?—I mean that class of theatres.

8162. Do you know anything about them; have the representations given there ever come under your notice?—I know there is one near Blackfriars Bridge, which I directed the examiner to go and look at. It is called the Rotunda; and his report to me was, that he did not see anything at all objectionable in it, and that the police who are stationed there had told him that, generally speaking, it was conducted with order and propriety.

8163. What are the representations there?—They were recitations and songs, but nothing that actually came under the definition of a stage play.

8164. Has it been reported to you that these places are increasing very much, indicating thereby that there is a taste for the drama growing up among the people?—No, I have not had any representation made.

8165. You have heard of Judge Nicholson?—Yes.

8166. Does he hold a licence from the Lord Chamberlain?—No.

8167. Would the Poses Plastiques have to apply for a licence?—No.

8168. Mr. *Lowe.*] Do you say you have the power of licensing saloons as well as theatres?—Yes.

8169. Under what part of the Act?—It is the 6 & 7 Vict. c.68, under the second section, which says, "That, except as aforesaid, it shall not be lawful for any person to have or keep any house or other public place of resort in Great Britain, for the public performance of stage plays, without authority by virtue of letters patent from her Majesty, her heirs and successors, or predecessors, or without licence from the Lord Chamberlain of Her Majesty's household for the time being, or from the justices of the peace, as hereinafter provided; and every person who shall offend against this enactment, shall be liable to forfeit such sum as shall be awarded by the Court in which, or the justices by whom he shall be convicted, not exceeding 20 *l.* for every day on which such house or place shall have been so kept open by him for the purpose aforesaid without legal authority." It is considered that by this clause the power of licensing on the part of the Lord Chamberlain is not restricted to what is properly called a theatre, but embraces other buildings.

8170. *Chairman.*] I understood you to say that every production of this sort that is to be given on the stage must be submitted; and that it is not only to be unobjectionable in its character, but before it is given it must have the authority of the Lord Chamberlain?—Yes, it must be submitted, and licensed.

8171. Now, with respect to those that you referred to just now, of the pantomines or ballets where there is no dialogue, do they pay any fee to be allowed to represent them?—The pantomime does.

8172. They give notice to the office, and they pay a fee?—They submit a sort of programme of what is intended to be put on the stage, and when that is approved of, they pay the usual fee, and the licence is given. The ballet is not submitted.

8173. Lord *E. Bruce.*] The ballet is not licensed?—No.

8174. Now, taking the case of the Christmas pantomime, the clown is in the habit of putting in a good deal of what is called gag?—Yes.

8175. You have no means of putting a stop to that?—We have this power; we have the entire authority over the manager of the theatre, and we have the power of representing that what is put on the stage is considered offensive and improper, and therefore to request that he will have it stopped.

8176. I think that a few years ago there were hints given that it was not to be carried too far?—Certainly; the fact is that the interference of the Lord Chamberlain is the exception, and not interfering is the rule.

8177. Correctly, I believe they are liable to a penalty if any words are used upon the stage, or introduced in the dialogue, if they are not words that have been licensed?—Certainly.

8178. *Chairman.*] Do you ever come into collision with the magistrates, under the 25 Geo. 2, which confers on them the power of giving music and dancing licences?—No.

8179. They may give those licences to allow music and dancing at any place, theatre or otherwise?—Yes.

8180. You have no authority over such places, and where such performances are given?—No.

8181. If the magistrates were to give a licence to any place for music and dancing, you could extend to that place also your licence for a theatrical representation?—Certainly.

8182. Do you know whether in fact you do give a licence to such places, they having previously obtained a music and dancing licence?—I am not aware of any application being made, but I have not the slightest doubt that if an application were made, and it appeared to be a straightforward, fair application, that the licence would be given.

8183. Perhaps you do not inquire whether they have got any other licence?—No; our business is strictly in reference to the theatrical performances. We make no other inquiry except to see that the place is a proper one for that species of representation. The only difference between a licence granted to a theatre and a saloon is that the manager of a theatre is bound in the sum of 300 *l.*, and two sureties of 50 *l.*; and the manager of a saloon is only bound in a surety of 200 *l.* and two sureties of 50 *l.*; that is the only difference.

8184. Have you ever had occasion to forfeit these bonds, or to put them in suit?—We have never had a forfeiture of the bond, but when they have come for a renewal of the licence, if it has been seen that they are not persons competent to discharge what they had undertaken to perform, the licence has then been refused.

8185. Are these licences annually renewed?—Annually.

8186. Have you any suggestion to make with respect to this Act for regulating theatres, or with respect to your authority generally, so far as it depends on law, with a view to its amendment?—The only suggestion I should make, as far as the Act is concerned, is, that I think there should be power given to some special authority, such as the Commissioners of Police, to enforce the regulations of the Act; that is to say, not to permit performances to take place at places which are not licensed. Then, on the other hand, I think that the Lord Chamberlain, and, I suppose, the magistrates, should take as large a view as they possibly can of the power of giving a licence, and not withhold it except upon very strong and very positive grounds.

8187. This Act confers on magistrates the power of licensing theatres?—It confers that power on magistrates in the country.

8188. You

8188. You have no knowledge as to the manner in which it is exercised now by the magistrates in the different counties?—I am not aware; I do not know anything of it.

8189. Do you know of any reason why the Lord Chamberlain should have jurisdiction only in the metropolitan district, and not throughout the kingdom?—No, that jurisdiction has been latterly very much enlarged, because previous to this Act of Victoria, the jurisdiction only extended to the city and liberties of Westminster, and by this present Act it is extended to the district within the boundaries of the metropolitan boroughs.

8190. Are you aware of any inconvenience that might follow if the jurisdiction of the Lord Chamberlain was extended to the whole country?—No, except this: that of course the local authorities must be, to a certain extent, more conversant with the habits and character of the person who undertakes to carry on a theatre than the Lord Chamberlain could be.

8191. The person who would apply would be a person better known to the local authorities?—Better known to the local authorities than to the Lord Chamberlain.

8192. But the person who would apply would be a person who would seek to make a profit by establishing a theatre in a particular place, and who would probably not apply if he did not believe there was some prospect of his success?—Certainly, I should think that would be a natural inducement; but very often there are very desperate calculations made on the subject of theatrical speculations.

8193. Have you any reason for thinking that the trade in representations or theatrical performances should be more restricted than other trades?—No, except in this way; I qualify it in this way, that I think there are many things that would not be so objectionable in other forms as they might be made in a theatrical representation.

8194. The question has reference to the opening of a theatre, which is different from the censorship that might still be retained over the performance itself?—Yes.

8195. Do you see any reason why people should not be allowed to establish theatres where they like, on payment of a tax or fee, if the censorship was preserved with respect to the performance?—Certainly not; on the contrary, I should think it beneficial.

8196. Have you any other amendment to suggest?—No; no other.

8197. Lord *E. Bruce.*] Have you brought a list of the theatres with you?—I have brought with me a list of the theatres and saloons licensed in the metropolitan districts by the Lord Chamberlain.

8198. Do you put them in?—Yes. *Vide* Appendix.

8199. I believe you never grant a licence to an individual who is not the actual owner of the theatre?—No,

8200. Or actually in possession?—Never.

8201. You would refuse a licence, if you thought a man asked for it who was not the actual proprietor and manager?—Yes.

8202. My reason for asking is, that I believe a licence has been applied for, for the Opera House?—Yes.

8203. By Mr. Lumley?—Yes.

8204. And as you had reason to believe that Mr. Lumley would not be enabled to open the house, you did not grant him a licence?—Yes; I knew there were two claimants to the property, and consequently until it was legally shown who was the rightful claimant and possessor, the Lord Chamberlain withheld the licence.

8205. Now, this is a list of all the theatres licensed by the Lord Chamberlain?—Yes.

8206. And there are two, Covent Garden and Drury Lane, which require no licence?—Yes.

8207. Are they under a charter or patent?—Yes; under a patent.

8208. Is that granted only for a term of years, or in perpetuity?—I believe in perpetuity.

8209. You have equally a right over those houses as to any immorality?—Yes.

8210. Or any improper proceedings?—Yes.

8211. Or any new plays?—Yes.

8212. Are you aware that there was a habit a few years ago of allowing persons of immoral character to go in upon orders?—Yes.

8213. Ladies of engaging manners?—Yes.

8214. I believe that has been put a stop to?—I believe, if it is not entirely put

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8215. I believe a letter was written by the Lord Chamberlain of that time?—There was, by Lord Spencer.

8216. And you think that practice is quite discontinued?—I am confident that the practice is almost entirely discontinued.

8217. At least it is so in all the best theatres?—Yes.

8218. In short, it is understood that the Lord Chamberlain would not grant a licence if that practice was brought under his notice?—It is understood that the Lord Chamberlain is decidedly adverse, and that his opinion is very strongly against such a practice being continued.

8219. In fact, I believe that the answers from all the managers was indignation at the idea of such a practice?—I believe they treated the idea with great indignation.

Mr. Serjeant *Adams*, called in; and Examined.

Mr. Serjeant *Adams*.

8220. *Chairman.*] ARE you Chairman of the Middlesex Sessions?—No; Assistant Judge.

8221. How long have you been assistant judge of the Middlesex Sessions?—It is an appointment under Act of Parliament. I have been assistant judge of the Middlesex Sessions from its first establishment by Act of Parliament in 1844. I was chairman of the Middlesex Sessions from the year 1836 to the year 1844, so that altogether I have presided there 17 years.

8222. Have you had, during that time, frequent opportunities of observing the present system of licensing public-houses, both with respect to the mode in which licences are granted, and with respect to the appeals that are made to quarter sessions, upon the refusals to grant licences?—With respect to the granting of licences originally I have no experience; because, during the whole of the above-mentioned period of 17 years I have presided upon appeals, and I have considered it my special duty to avoid all connexion with the licensing system whatever; and whenever any canvassing letters have been written to me, I have returned them, desiring that nothing of the kind might ever be sent to me again. The consequence is, that I never hear about them now.

8223. But as assistant judge, you are in the habit of attending the magistrates when they hear appeals from the licensing magistrates below?—It is part of my duty, as assistant judge, to preside on those occasions, the only difference between the assistant judge and the other magistrates being this, that the assistant judge forms a court without the presence of a second magistrate.

8224. Do you mean that no appeals are ever heard by the assistant judge without other magistrates being present?—Not in appeals against public-houses.

8225. We are talking of the licensing at present?—Yes, not in appeals against refusals to grant licences; but I should have the power of hearing them if no other magistrate was present.

8226. But practically, you do not?—No; because there is always a numerous attendance of magistrates on appeal days.

8227. We have been told that the magistrates who originally refuse the licence do attend, but take no part in the proceedings; is that a correct statement?—It is; they sometimes do, and sometimes do not; there is no rule on the subject, but they never take part in the proceedings.

8228. How do they appear against the appeal which is against their decision; is it by counsel appointed, or by the clerk of the peace, or how is it that they defend their decision?—Formerly there was very considerable practical difficulty upon this subject, arising from what appears to me the unwise nature of the appeal. When I first presided in the chair, it was with the greatest difficulty I could preserve order in the court from the numerous and irregular objectors who appeared to make statements against the granting of licences.

8229. You mean the appellants?—No, they were not appellants; the publican or the person wishing to be the publican is the appellant.

8230. Then the persons you are referring to are persons who agree with the magistrates in refusing the licence?—Yes.

8231. Have they any place in your court; could they appear in any way formally?—There are no persons who are really respondents but the magistrates themselves; and great difficulty therefore arises, because frequently the magistrates would

would not take upon themselves the trouble or, what by some is considered, the odium of supporting their decision. They say, "We have done our duty; let the bench do theirs." Then this difficulty often occurred, that there would be no person to state what the objections were to the grant of the licence, and we heard reasons in favour of the licence, and none against it. Some few years ago, a determination was come to that all the magistrates should be heard by counsel, according to the provisions of the appeal clause in the Licensing Act.

8232. The 9th of George 4th?—Yes; and since that time, the usual mode of proceeding has been, for the clerk of the licensing district of magistrates to act as solicitor, and instruct counsel, and in that way the objections of the magistrates find a hearing in court; but the court, in consequence, I believe, of my opinion, have come to a decision that it does not preclude other parties also making objections if they think right to do so. But whenever there is an appearance by the clerk to the magistrates, I discountenance as much as possible the interference of other counsel and other parties; wishing them to appear all in one body, and to have the thing before us as a whole.

8233. Can you, or do you, ever hear any other evidence than that which was heard by the magistrates below?—Constantly; it is the very essence of the case that we should.

8234. I presume you consider it rather as a second hearing of an original application, than strictly as an appeal, which is usually confined to the case heard below?—Not in appeals to the quarter sessions on any subject; fresh evidence is always gone into, whatever may be the nature of the appeal.

8235. Now will you state what objections you find to the system as it works at present, particularly with regard to appeals from decisions on applications for licences?—My objection simply is this, that I think it places the magistrates below in a very odious position. In all other cases of appeals, the magistrate is a judge between two conflicting parties. Take, for example, a parish appeal; there is the appellant parish, and there is the respondent parish. He is nominally the party appealed against, but the appeal is really between the two parishes. Take any other conviction: there is one party who is applying for the conviction, and there is another party convicted. But in the licensing appeal you make the magistrates, and the magistrates only, the actual respondents; and if they do not choose to appear by the themselves or counsel to support their decision, it is only by the irregular proceeding of allowing third persons to appear, that there is any one to be heard against the appeal at all.

8236. You do not consider that this is met by the power which is now exercised, of instructing counsel to appear for the magistrates as respondents?—Not altogether; my opinion is that if the appeal was taken away, and the man was allowed to make a new original application before the bench, in which those parties should take no part who had taken part below, you would remove the odium and have the thing all right.

8237. You think the rehearing, or the appeal, or another application, is necessary?—Quite.

8238. Why do you think that?—I think so, because I do not think that the public would be otherwise satisfied with the decision of the licensing magistrates. I have seen a great deal of the magistrates of Middlesex, and I believe that it is impossible for any body of magistrates in England to be more pure in their administration of the licensing system than those magistrates are; but it is impossible to keep the applicant and his friends from making applications to different magistrates, and exciting different interests.

8239. Before the hearing?—Before the hearing below.

8240. You say it is impossible to prevent applicants originally?—From making private application, through their friends and other parties, to influence the magistrates before the hearing below, and talking largely out of doors of the influence they possess, when in point of fact they have no influence. But unless there was some appeal from these local decisions, the magistrates would have an odium thrown upon them which they ought not to bear. Allow me to add to this: that lawyers are too much used to public abuse for their decisions to care about it, but that is not the case with persons who are not of the legal profession. Independent gentlemen do not like to have their motives misinterpreted and their actions misrepresented.

8241. State in what respect this second hearing, that you would recommend, instead

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instead of an appeal, would differ from the original hearing in that respect?—In which respect?

8242. In the respect in which you state that the magistrates being subject to canvassing or private applications, and the applicants being in the habit of talking largely of their influence, which you consider renders it necessary to have a rehearing; why would not these objections exist just as much when the case came to be reheard, as they would exist at the original hearing?—For this reason: that the licensing districts, comparatively speaking, are small, and the magistrates are few in number. The appeal to the general body renders it impossible for the most bigoted man to say that the whole body of magistrates are influenced by private feelings.

8243. Do we collect that the whole body of magistrates attend on the day of appeal, or at the time that the appeals are brought before them?—Not the whole body, because we have 200. But it is no uncommon thing for me to count from 40 to 50, and I have counted 80.

8244. Are these persons attracted by the appeals to be heard then?—Always a special day is appointed for the hearing of licensing appeals.

8245. Can you state what it is that attracts so large a number of magistrates on these occasions?—The great interest that the magistrates take in all licensing questions.

8246. Do you mean generally that they take an interest in that branch of their duty?—Yes; a very great interest indeed, in Middlesex, and I believe bestow great pains in arriving at just and honest judgments.

8247. Have you any reason to suppose that they have been applied to by persons who apply to the magistrates below, and that interference of some kind takes place?—Do not let me be misunderstood; I do not believe those applications weigh a feather below: I am only stating it on the principle that justice should not only be pure, but should seem to be pure. The decision of the larger body prevents that sort of angry ill-feeling that subsists in local districts.

8248. Do you think, supposing that this second hearing was to take place instead of the system of appeals at present that you recommend, that there would be this large attendance of magistrates?—I have not the slightest doubt there would be just the same number of attendants; I do not believe the magistrates come to support each other at all: I believe they come to do justice.

8249. Is it said they come to support each other?—I have never heard it so said; but disappointed people will often impugn the motives of the most honest men.

8250. I think you have stated that the only objection you have to the present system of appeals with respect to licences is, that it casts an odium on the magistrates?—Individual magistrates, that is all; I think that would be removed if they were not dragged into court as respondents, and subjected to the observations of counsel as to their conduct, and all those unpleasant things which, I again repeat, all men but those who are members of the legal profession are annoyed at.

8251. Have you any opinion with respect to the policy of magistrates giving licences at all; you are aware, of course, that there are two classes of those public-houses where intoxicating liquors are sold, and some get their licences from the magistrates and others from the Inland Revenue; have you formed any opinion as to the policy or propriety of that distinction; would you recommend it to be maintained or not?—I have not formed an opinion as to the policy of that distinction, but I have formed an opinion that beerhouses are extremely useful things, if put under proper superintendence.

8252. Are you alluding to the superintendence of the police after the law has indicated in what manner they must be conducted?—Yes; I allude to the superintendence of the police, and to giving the magistrates full power over them.

8253. You would not alter the mode in which they get their licences?—I do not think that signifies; I have not thought enough to say. I think it very desirable that a man who gets a beer licence should not therefore have a right to have a spirit and wine licence. There are, I think, many cases in which it is extremely proper a person should have a beer licence, and yet where a spirit licence becomes mischievous.

8254. Will you make clear to the Committee what your view is as to selling one liquor and not another?—I am now speaking only of populous districts; you have, especially in the Metropolitan districts, whole districts where the poor cannot

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cannot reside; and where, when they are at work, they go to a public-house to get their dinner. I think it is very desirable that there should be respectable places where they can go, and be gratefully received if they order only a pint of porter.

8255. Is that the view that you take of the use of the beerhouse, as contrasted with the public-house?—That is one use. There is a class of men who are beer-drinkers, they may like to be with beer-drinkers; there is another class of men who are gin-drinkers, and they like to be with gin-drinkers; and there is another class of men who are wine-drinkers, and they like to be with wine-drinkers; and I may add there is another class who are water-drinkers, who like to be with water-drinkers.

8256. We were asking your opinion as to the legislative, or legal distinction, that is now made between these two classes of houses; do we understand you to say that if they were the same, and that there was no distinction between these public-houses, that the poor man would not get his beer as easily and as good from the houses under that system?—I do not think he would; I do not think he would be a welcome guest at a gin-shop; but if he did, I do not see why I should expose him to the temptation of getting gin instead.

8257. You think that there is something in the sale of spirits that requires a further restriction than that of beer?—Not exactly so; but I think you should have different houses for different classes. I am not saying that you should have beer-houses, as you have them now, without a proper superintendence, and without giving the magistrates power over them; but the whole thing that I would require would be, that they should be placed, when they once get their licences, under the same system, as to superintendence, and as to power of magistrates to interfere, as the gin-shops.

8258. You would rely for the good conduct of these houses on the vigilance of the police in causing the law to be strictly and uniformly administered?—Yes.

8259. Have you any reason to suppose that that is not done now, or do you think that the restrictions of the law are not sufficient upon these houses?—I do not think they are sufficient.

8260. State in what respect you think the law defective?—These things cannot be answered in a moment as to particulars, but I speak generally; they are defective in this: that the magistrates have not the same powers over them, nor the police the same powers, as they have over the licensed public-houses.

8261. Have you any particular difference in that respect in your mind, and will you state what it is?—I do not know that there is any particular distinction, because it is a general one; the whole mode of proceeding is different. If a beershop-keeper is convicted it may be indorsed upon his licence, and there is an appeal against it to the quarter sessions; and though the quarter sessions confirm it, the man goes to the next street and takes out a new licence, and the magistrates and the police are laughed at.

8262. This is a point of law and practice which you have just now stated; I wish to know whether that is the way in which the law is applied in Middlesex. You state that, when a beershop-keeper is informed against and convicted, there is an indorsement of the conviction on the licence?—No, I do not say that; the magistrate may indorse it on the licence if he thinks fit. That is the law; it is not what the magistrate does which gives the power; it is the Beer-house Act which gives all these powers. I am only speaking of a case where the magistrate thinks it important enough to put that indorsement upon it, and where the court of quarter sessions confirm what that magistrate has done.

8263. I should perhaps inform you, that evidence has been given of every variety of practice in the way of dealing with these houses; therefore, I should like to know what is the practice of the county of Middlesex, which you are thoroughly acquainted with. We understand that in your apprehension of the Beer Act, that they are bound to indorse conviction on the licence?—Certainly not; just the contrary.

8264. Then there is a power to do it?—Yes; it is all in the Act.

8265. You refer to an appeal from that conviction?—Yes.

8266. Have you ever known an appeal from the conviction of a beerhouse?—Yes, often; and have known the court confirm it, and the man snap his fingers at us in the course of a fortnight afterwards.

8267. The court of appeal, the quarter sessions, have confirmed the decision

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on this matter of the beerhouse, and the same person has opened it again?—Yes; not the same beerhouse, but one near it.

8268. You mean that the same person has procured a licence for another house?—Yes, exactly; I do not like to charge my memory so suddenly, but I think, in one very strong case of an appeal, where the facts were very strong indeed, that the man himself opened that very same house afterwards again in eight or ten days. I do not like to pledge my memory without referring to my notes.

8269. Are you referring to convictions generally, or to convictions for felony?—I am not referring to convictions for felony at all.

8270. Are you pointing to any disregard of the law if, after a conviction, the beerhouse-keeper gets a licence for another house?—It is no disregard of the law at all.

8271. If the conviction was for a felony, he could not get a licence?—A conviction for a felony is by 12 jurymen; I am speaking of convictions by magistrates for offences under the Beer Act.

8272. I am referring to a man convicted of felony getting another licences you state that if a beerhouse-keeper is convicted, it is quite possible for him to get a licence from the Inland Revenue Board, and start another house. I ask you whether you are referring to any conviction whatever, or are you confining it to a conviction for felony?—I do not mean conviction for felony at all; I am speaking of convictions for offences against the Licensing Act. A conviction for felony would not prevent his getting a licence, provided he could get two men to certify that he was a respectable man, and become bail for him in the proper amount.

8273. That is what you state can be done now; you do not state that as being consistent with the law?—The law has nothing to do with it.

8274. Are you not aware, that by the Beer Act a man who has been convicted of felony is not allowed to obtain another licence?—I am perfectly convinced that he ought not.

8275. Is not that so by the Act?—I am not aware of such a provision; it may be so, but it seems a most extraordinary one; and if it be so, it would seem that the framers of the Act had a very poor opinion of the men who would take out licences under it, that it should be necessary to put in such a clause as that a man convicted of felony should not keep a beerhouse.

8276. Now, with regard to licensed victuallers, have you ever known of a conviction of a licensed victualler where that licence has been renewed by the magistrates?—I have heard frequently of convictions of licensed victuallers, but it would be the most cruel thing in the world to take away the licence from the public-house, or even from the beerhouse, for several classes of convictions; it depends on what the nature of the conviction is.

8277. Your view of the imperfection of the law is entirely confined to cases, where convictions are of that kind which ought to preclude the publican or the beerhouse-keeper from getting a licence again, and yet that he is, in the present state of the law, enabled to do so?—My objections are not confined to that particular case. You ask me for instances, and I have given you one.

8278. What is it which you have observed that is defective in the present system of granting licences both to beerhouses and public-houses?—I say with regard to beerhouses, that I think the defect of the system is, that there are not sufficient provisions for giving the superintendence to the police, and power to magistrates, as to beerhouses after the licence is granted.

8279. I think when you gave that answer before, you stated that you were not prepared to say in what respect the law is defective, or what further restrictions or powers you would give to the magistrates?—I thought I had stated just the reverse, that I would give the magistrates and the police the same powers over beerhouses that they have over public-houses.

8280. In what respect do those powers differ now?—I can only give the same answer that I gave before. The magistrates have no power whatever over the beerhouses except those convictions; they cannot take the licences away; and that the police have not the same power of entering them, and all the other regulations which, on looking to the two different Acts, will appear on the face of them.

8281. You are not prepared to state to this Committee in what respect the powers of the police differ with regard to public-houses and beerhouses?—No, but

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but I should have no difficulty in doing so, by taking the two Acts of Parliament and comparing them together, but at this moment I am not prepared to do it.

8282. Not knowing the distinction, there is nothing at present within your knowledge to enable you to show in what way these Acts can be amended, to show they are defective?—A great deal has come within my knowledge to show that they are defective. When I have a man before me convicted of very improper conduct, which the magistrate has thought should be indorsed on his licence, whereby his licence is taken away, and the court has confirmed that conviction, and I find that man has got a new licence within a fortnight afterwards, I think there must be something very seriously defective; such things could not occur with regard to public-houses.

8283. You have been speaking of a difference there was in the power of the police in supervising or entering these houses?—Yes.

8284. As regards beerhouses and public-houses?—Yes.

8285. But you are not prepared to state what the difference between them is?—No; I say I must refer to the Acts of Parliament to be correct upon that.

8286. Then nothing has come to your knowledge to show what the powers are which the police have with regard to these two classes of houses?—I do not know how to say that; I have had so much come before me to show what is the power over public-houses, and I know so well that the powers do not exist in the others.

8287. Do you understand that the police have not the power of entering the beerhouses just as much as public-houses?—I believe they have not as much as they have in the public-houses.

8288. And that if there was drunken and disorderly conduct they could not enter that house?—They could enter any house where there was disorderly conduct which would justify their conduct. I will point out, if you wish it, the sections of the Act which give the different powers.

8289. We were trying to get the benefit of your experience, supposing that in the application of the law you had discovered something that was defective, and that you had something to suggest to this Committee by which the law, as it affects beerhouses and public-houses, could be amended?—I have to suggest to the Committee that the powers of magistrates, and the powers of the police, should be the same in beerhouses as they are in public-houses; if they exist so now my whole theory falls to the ground.

8290. You are not prepared to state to the Committee in what the difference consists?—I again say they have not the same powers; I cannot say anything else; I have not the Acts of Parliament before me, and no lawyer will give the particulars of an Act of Parliament without having it before him.

8291. We do not in the least doubt your power of reading an Act of Parliament, and putting the right construction on it; but have you, in the course of your experience, ever observed any difference that arises between the powers of the police and the powers of the magistrates as respects these two classes of houses?—I can only state that I have; inasmuch as I have had appeals brought before me, in cases of convictions of beerhouses, where the licences have been forfeited, and the same have been renewed within a fortnight afterwards to the same men, which could not exist in the case of public-houses.

8292. It would be of extreme importance if you could state any case where the licence has been forfeited?—I have told you that I cannot without I have my notes; my last number of trials was 23,260.

8293. Applying to beerhouses?—No, trials of all kinds; they are mixed up together. I could get my note books; I have a strong recollection of the outline of a case somewhere on the Thames, where there were a great number of boats, and they were constantly every Sunday serving these boats with liquor during Divine service.

8294. Your impression is that the licences of beerhouses are often forfeited?—No; I have no impression on that subject, because I tell you, except from all that comes before me in the way of appeals, I abstain; I never interfere in the matter out of my own court.

8295. Have you ever known an instance where the magistrates have, according to the directions of the Act, given notice to the Excise that persons keeping beerhouses have been convicted a third time, and that the licences should not therefore be renewed?—I have no knowledge myself on that subject, but I have

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not the slightest doubt it has been done over and over again; it does not fall within my duties.

8296. Mr. *Barrow.*] Assuming the distinction between the public-houses and beerhouses at present is, that the magistrates license the one, and therefore can refuse to renew the licence yearly, and that they do not license the other; is there any suggestion you would make as to an alteration of the law in that respect?—I am not prepared to make any particular suggestion how I would alter it; but I think if such an alteration could be effected, that then a great part of the evil of beerhouses would be removed, and the good would remain.

8297. Assuming that is the distinction at present, you say that you wish a greater control over beerhouses, and you would give the magistrates a power of licensing rather than the Excise?—Precisely; I should be inclined to do so; but it must be taken with this, that the principle of the beerhouses is that of free trade in beer, and therefore, if you make the magistrate the party who licenses, he should be compelled to license until the man forfeits by misconduct.

8298. You would allow him, upon the certificate of good character which the Beerhouse Act requires, to go to a magistrate for a licence, and to have a licence as a matter of right?—Yes; upon the principle upon which the beerhouse is established.

8299. Leaving him only to be punished subsequently?—Yes.

8300. Are you aware that under the Beerhouse Act there are two modes of proceeding against a beerhouse-keeper, one for the mere penalty of forty shillings, for keeping his house open at certain hours, and the other for the same offence; but laying it as an offence against the tenor of his licence, which subjects him on a third conviction to be altogether disqualified.

8301. Have you had frequent convictions by magistrates, in which they have exercised the power of declaring the party to be disqualified?—You mean frequent appeals?

8302. Yes?—Not frequent appeals.

8303. Then are you aware, that unless it were a conviction for a third offence for keeping disorderly houses, or for a second offence for the adulteration of beer, unless it was a conviction of that description on which the magistrates had declared him to be disqualified, he would be entitled to go on selling?—Yes; but suppose he is convicted for disorderly conduct in his house, and a variety of other convictions, my objection is, now that the licence being taken away becomes nugatory, for he goes and opens a shop elsewhere.

8304. The words of the Act of Parliament are, that he shall be positively disqualified for two years?—Yes; we know what words of Acts of Parliament are very well in practice; the Act of Parliament meant it.

8305. Would it be one of your suggestions, then, that the licence should be enabled to be declared forfeited on the second offence instead of the third?—I would give a discretionary power to the magistrates upon that subject.

8306. You would give them a discretionary power of declaring the licence void on any conviction?—Not on any first conviction, unless it was something gross.

8307. *Chairman.*] You would apply that to the public-houses; wherever the licences should be forfeited for the one you would say it should be forfeited in the other?—Yes; I should put them in the same rule.

8308. You are aware that a great number of convictions take place annually of the licensed victuallers?—Yes.

8309. And also that many of those houses convicted have their licences renewed annually?—Yes; I should give the same discretion.

8310. Have you any particular case in your mind in which the licence should be forfeited?—No, I have no experience to guide me on it; I abstain from meddling with the practical part of the licensing.

8311. Mr. *Barrow.*] Then you would think, at the expiration of a year, if the beerhouse-keeper had been convicted of an offence against his licence, that it should not be a matter of course that the magistrates should renew the licence?—Certainly not.

8312. You would make it exactly the same as it is in the case of a public-house?—Exactly so; that is my meaning.

8313. *Chairman.*] I believe there is a peculiar Act applicable to the metropolitan district that does not apply to a part of the country, which requires every person who has music or dancing in his house to obtain a licence from the magistrates?—Not to the metropolitan district, but to 20 miles round London.

8314. It

8314. It is confined to that district by that Act of Parliament, 25 Geo. 2?—Yes.

8315. In all other parts of the country a person may have music and dancing in the house without a licence?—Yes.

8316. Do you see any reason for that distinction between London and 20 miles round, and the rest of the country?—In consequence of a little difference of opinion between myself and brother magistrates in the year 1850, I wrote to them a letter, which was printed, and which contains my views of that statute, and a historical account of it; it is not very long, and if added as an Appendix to your Report, would give you the whole history of that Act and its working; I have a copy of it here.

8317. Have you any suggestion to make with respect to the present state of the law upon the subject of the licence for music and dancing, or any amendment of that particular Act of the 25th Geo. 2?—I think it utterly impossible to amend the Act of George the Second; it is so absurd from beginning to end, that nothing can be done with it. Thus, for example, the only things required to be done by the party licensed is, that he shall not have any entertainment before five in the afternoon, and shall have, in characters of half an inch long, over the door, "Licensed pursuant to Act of Parliament;" those are its sole provisions.

8318. Do the magistrates, then, exercise any discretion in granting these licences, or is it a matter of right to the man paying the requisite fee to have that licence granted?—Certainly not; it is a matter of discretion, and on the occasion in question, when we differed, the magistrates rejected every new application; I forget how many, but I think there were 70 or 80.

8319. The magistrates at that particular time taking a peculiar view of music and dancing?—Yes.

8320. Thinking that their encouragement was to be avoided?—Yes.

8321. That view, perhaps, had not been taken before, and might not again, but it was a fancy of the bench at that peculiar time?—No, that is not exactly it; there was an immense number of additional applications, owing to some *qui tam* actions that were brought, and the magistrates were astonished at these numerous applications, I believe; but if the Committee are desirous of knowing the real history of the Act, they will find it much more shortly given in this letter, than in extended evidence by me if I were to be here for two days.

8322. You do not speak as a magistrate of any peculiar evils that arise from the Act at present, beyond that you think it an unnecessary restriction?—I think I speak of every evil, when I say there is no power whatever over these places when they are licensed. I have detailed in the letter what my views are upon it.

8323. Just state shortly with what view you call our attention to any part of your pamphlet; is it for the purpose of imposing further restrictions on these houses, or giving fresh powers to the police respecting them?—It is for the purpose of repealing the Act *in toto*; for the purpose of substituting a system consistent with the year 1853, instead of a system which was consistent with the year 1753.

8324-5. State shortly what you think should be the regulations with regard to these houses in future?—I will read my own words; "I would supersede the power of the justices to grant licences for public entertainments. The regulation and management of the minor theatres has by statute 6 & 7 Vict. c. 68, been judiciously vested in the Lord Chamberlain, and two jurisdictions are therefore not required." Legal opinions have since been taken by the bench, and they confirm the opinion expresed by me in a note, that the stat. 6 & 7 Vict. c. 68, indirectly repealed the authority of the magistrates to grant licences for public entertainments. "This alteration would at once put an end to the most mischievous of all the effects of granting licences to public-houses, namely, the theatrical saloons." And here, allow me to say, that I was astonished to find that theatrical licences were given to these saloons. "I would remove the prohibition against morning amusements, which I think needless, and even ridiculous. I would not make it compulsory upon the justices to grant licences for music and dancing, but authorise them to grant licences for both or either at their discretion." With respect to that remark, I may observe, that Lord Campbell had given a somewhat hasty opinion, that music and dancing licences could not be granted separately. I was always of a different opinion; and, in consequence of this letter, the opinion of the Attorney-general, and some other able lawyer, was taken, and they con-

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firmed my opinion; and since that time the justices have granted licences for music without granting licences for dancing also. "I would make it compulsory on them to grant licences for music to all housekeepers (not being licensed victuallers), with testimonials of character and securities for the good conduct of the house. I would prohibit them from granting licences for music and dancing to any licensed victualler, within what may be termed the heart of the metropolis; that is to say, I would limit all such licences (when held in conjunction with ale and spirit licences) to public gardens and places in the suburbs; and I would give a discretionary power to grant music licences to all publicans, and music and dancing licences to all other householders, within the prescribed district, which I would limit to a reasonable distance from the metropolis, say the district of the metropolitan boroughs. I would place all these licensed houses under the strictest surveillance and control of the police and justices, and establish penalties and forfeitures similar in character to those inflicted on offending publicans; and I would give the most ample powers to the police to enter into any unlicensed house and take the inmates into custody, and powers to the police magistrates of fine and imprisonment. These are the remedial measures which present themselves to my mind; but I doubt not they may be greatly improved by more experienced and practical men."

8326. We collect from what you have just now read, and from what you have stated besides, that you are not for allowing these houses to be open without a licence, but you are for repealing the 25th George the Second, and perhaps enacting another law for the better regulation of these houses, and placing them under more strict regulations than they are at present?—Decidedly so; formerly there was a clause in the 25th George 2, which enabled the magistrates, or the then police, to take into custody as disorderly persons all persons who should be found in one of these unlicensed dancing houses. About 20 years ago an Act was passed, I forget the precise Act, I think it was one of the metropolitan police Acts, which contained a clause, the effect of which has been to supersede practically that clause; and the police magistrates never will commit any persons now, who are found there as disorderly persons. I should without scruple put in any new Bill for the regulation of these houses, a clause giving authority to the police to take into custody every person as a disorderly person who was found in any unlicensed music or dancing house, or unlicensed theatre.

8327. Mr. *Barrow.*] Where money was received for admission?—Yes, of course.

8328. *Chairman.*] That is the policy you would prescribe, where you wanted to enforce good order?—Yes.

8329. You would make everybody liable who was found in a house where they were breaking the law?—That is not my meaning; my meaning is, if they are found in a house which is not licensed they are to be considered as breaking the law.

8330. You are not applying the principle, or would not recommend it to be applied to these houses, which is acted on in gaming houses, where every person found in the house is considered to be breaking the law?—Yes, I am; because as the gaming house is illegal, so is public music and dancing illegal, if it is not licensed; the only difference between the two being, that you cannot license a gaming house, and you may license a dancing house.

8331. And your suggestion is, that a person found in an unlicensed house for music and dancing should be treated as a person offending the law?—Yes; I believe that these penny dancing shops, and I have good reason for my belief, because several of these cases have been recently brought before me for trial, are more demoralising to the youth of this metropolis even than betting houses.

8332. Are you referring now to the unlicensed houses?—Yes.

8333. Those are houses that go on in violation of this Act of 25th George the Second?—In this same pamphlet, which I again refer to as containing my sentiment, you will find this paragraph: "It crossed my mind, that as the increased number of applications in 1829 sprang from the fears of publicans, arising from the decision above cited, it was probable that the present increase arose from some extrinsic cause, rather than a new and sudden demand for amusements of this character, especially as our prison returns show that crime is on the decrease; and therefore, if the reasoning of the statute be true, the demand for music and dancing would be decreased also. I found, on inquiry, that informers were abroad; and it has been whispered, I know not how justly, that some of the

parties

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parties who now enjoy the monopoly of immorality, are unwilling that their neighbours should partake in it. But I also thought that the parties applying had probably already subjected themselves to penalties, and was anxious to ascertain if this was the fact; and, if so, the effect produced by the determination of the bench to grant no additional licences. The Police Commissioners have kindly assisted me, and I find that of the 83 new applications, 21 only were applications from houses which were not opened before the application to the sessions, whilst 43 of the number were applications for the sole purpose of enabling the proprietors to have a piano-forte, or an occasional fiddler or singer, with the company. I find, moreover, that the number of houses open for 'public dancing, music, and other public entertainments of a like kind,' before the last Michaelmas sessions, within the jurisdiction of the Middlesex bench, was 123 (being double the number of the licensed houses), and that they now amount to 124." This simple fact shows that the statute is as nugatory as it is absurd.

8334. It shows that people did not regard it, and opened houses without a licence?—Yes.

8335. And you think if another Act was passed, that would not be disregarded, and that people would all take out licences?—If it is a rational Act, and suited to the time.

8336. Do they pay anything for their licences at present?—Nothing. I will give the Committee one instance of the contempt with which the Act is treated. There is a house called the Turk's Head, in Drury-lane. The first year I had the honour of presiding at the Middlesex Bench, in 1836, the Turk's Head applied for a licence for music and dancing; it was refused. It was given in evidence at the hearing that it had been opened for years as a music and dancing house without a licence, and it continued open from the day when the licence was expired until the year 1850, when, from fear of informations, it applied again, and was refused, and continued open just the same. Now it has got a licence for music only, it being a public-house.

8337. Have you any other suggestion to make with regard to these houses, or with respect to any other place of public entertainment?—No other suggestions than what are contained in this pamphlet. There are two other things that I would suggest, namely, the limitation of the district; I would very much limit the extent, and suggest that the new Act should not extend to 20 miles round London. Nothing can be more absurd than to say, "You shall not have music and dancing at Reigate or Farnham."

8338. You would make the Act general?—I should be inclined to make the Act, to a certain extent, general; that is to say, extending it to all large populous towns; say, for example, Liverpool, Manchester, and Birmingham. I would wish to call the attention of the Committee to another anomaly; I rather think it will be found, from the operation of the Statute of the 6th & 7th Victoria, c. 68, and the 25 Geo. 2, c. 36, that there are certain parts of the neighbourhood of the metropolis which can have no licence for theatrical entertainments at all; for the latter Act seems to have repealed the power which the justices had of granting such licences, and the 6th & 7th Victoria is not co-extensive with the Act of George the Second.

Henry Smith, Esq., called in; and Examined.

H. Smith, Esq.

8339. *Chairman.*] I BELIEVE you are Mayor of Birmingham?—I have been twice.

8340. And you constantly act as a magistrate in Birmingham?—I have acted as a county magistrate for nearly 20 years, but as a borough magistrate I have only qualified within four years.

8341. Have you had an opportunity of seeing the evidence that was given by Mr. Spooner?—I have just looked it over.

8342. Has he correctly stated what is the practice of the magistrates in Birmingham with respect to licensing public-houses?—To a great extent he has; I do not entirely agree with him in some observations that he has made.

8343. Do you confirm his opinion that the present practice is satisfactory to the public, and that it answers the purpose of securing respectable people holding these houses, and is attended with no public disadvantage to the people? Yes, I do.

8344. You think that the magistrates can satisfy themselves, by previous inquiry, what houses are required for that district, and who are the proper

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persons to keep them?—Yes, I do; I think the magistrates can by the personal investigation, which they institute themselves, ascertain what public-houses are required for the different districts, and I think their own knowledge generally of the individuals who apply, and from the testimonials they bring, is sufficient.

8345. You refer now to the state of Birmingham; would you say that there is a pretty fair adjustment to the wants of that town, in the number of licences that are granted, and that there are not too many?—I think that there are not too many; the town of Birmingham, and the population, is increasing at such an enormous rate, that I have no fear whatever of the present number of public-houses being greater than is required.

8346. You have a number of applications every year, and a great number refused?—The applications every year, I think, average from 60 to 100.

8347. How many are refused?—The refusals, till within the last year or two, were very considerable; but last year I think out of 64 applications, 14 or 15 were granted.

8348. Then if the population is increasing so fast as you describe, and yet the applications for new houses were refused, was that from a notion of the magistrates that there had been too many before, and that they ought to restrict their number in future?—I think that a large number of the magistrates in Birmingham had been influenced by the prevailing opinion, that public-houses are in themselves evils, and they have been influenced, to a great extent, for several years, in not increasing the number of public-houses.

8349. Is it their notion that they have prevented drunkenness by those means?—It is the notion of many people, and it has been the notion of some of the magistrates.

8350. But last year, you say, they were increased again?—Yes, they were increased last year.

8351. Was that from finding that you cannot diminish drunkenness by diminishing the number of public-houses?—No, I do not think that entered into the consideration of the magistrates; but I think it was the opinion of a large majority of the acting magistrates, that the great increase in the town, and the great increase of population, required a greater increase of the conveniences that public-houses afford.

8352. State your reason for considering that you must distinguish the trade of selling beer and spirits from any other trade, in the restrictions that you impose upon it?—Because I think that the gratification which people derive from drinking beer and spirits, if carried to excess, is very injurious to what is called public morality, and that therefore it requires, or it is desirable however, that it should be under a different regulation from other trades to which that evil does not attach.

8353. I was alluding particularly to the restriction that is now imposed by the application that a man must necessarily make to a magistrate to obtain a licence to carry on his trade, which is different from the mode in which he carries it on after he has the licence. I wish to learn your opinion whether there is any advantage in that restriction?—I think that the investigation that the magistrates institute into the character of the persons that are to keep these houses is very important.

8354. Is it within your experience that there is a close investigation as to the character of the persons who keep the houses, and is that successful?—As close an investigation as the circumstances of the case admit of.

8355. What do you consider to be the advantage of that investigation?—That it insures, as far as it can, attention on the part of the person keeping the house, and the requirements of the law, whatever those are.

8456. It has no influence in the sale of intoxicating liquors?—No.

8357. His motive is to increase the sale as much as possible, inasmuch as his livelihood depends upon it?—It cannot affect that, as of course he will endeavour to sell as much as possible.

8358. It is on account of the sale of intoxicating liquors that you think the business itself is a perilous one to carry on, that there ought to be restrictions in the mode of conducting it?—Yes, I do.

8359. Then the interest of the publican, quite independent of his character, is to sell as much of his liquor as possible, and to induce as many people to drink as possible?—I presume it must be so.

8360. I do not exactly see what object the inquiring into his character particularly

larly distinguishes him from any other trader?—Only so far as it renders it more probable that he will attend strictly to the stipulations which the law has laid down for the government of trades of that kind; certainly it will not interfere with him in endeavouring to diminish the sale of that which is injurious.

8361. Do the magistrates interfere at all as to the character of his building where he is to carry on his business, for instance, so as to prevent his offering any great attractions in his building to the people to enter, such as you see in gin palaces?—No, they do not; because as they have no power but granting a spirit licence, it would be almost useless for them to require a man to say he would not establish a gin palace when he might break his vow the next day, and do it; but they do require certain stipulations to be carried out as to the character of the building, that he should have certain conveniences.

8362. There are some gin palaces in Birmingham?—Unfortunately, there are a great many.

8363. Splendid sort of edifices offering every attraction to people to come in and consume spirits?—Yes.

8364. And tend therefore to promote drinking?—They tend to promote drinking spirits.

8365. Do you know whether there are a great number of transfers of these licences from the persons to whom the magistrates granted them at first?—Yes.

8366. Is it within your knowledge, that a great number of these persons whose characters are previously investigated, have transferred their licences to other persons?—Do you mean to persons of bad character?

8367. No, I want to know the fact whether there are not a great number of these transfers of licences?—I think the six months ending 1st June last, the transfers were between eighty and ninety of publicans'-licences, and that was a larger number than usual; in the same six months of last year I think the transfers were about 60.

8368. What is the whole number of public-houses in Birmingham?—The whole number of licensed victuallers must be about seven or eight hundred.

8369. The magistaates do not object to those transfers?—No.

8370. Do they make the same inquiry as to the persons to whom they are transferred as they do to the persons originally applying?—They have been more particular lately than formerly; they require now that persons to whom licences are to be transferred shall bring testimonials from some respectable and known persons, as to their character.

8371. Do you happen to know now in Birmingham, whether in most of those cases, that the person who transfers the licence has owned the premises, and owned the stock upon the premises, or has he only been put in by some other person who is the owner of the house?—I think the cases are very few. I do not know any personally where a person has been put in by another; very generally, the houses belong to the publicans themselves, they have capital which they invest.

8372. The magistrates are now strict at Birmingham with respect to the public-houses; they inquire more as to the character of the people, and the system works well there?—It works well, and the magistrates are careful in their investigation as to character, as careful as they can be; I should be sorry to say they are more careful than they were before, because I think there has always been great care taken.

8373. I understood you to say with respect to the tranfers, they think it necessary now to inquire into the character of the persons to whom the licence is to be transferred?—With respect to transfers there is more care.

8374. What is done by the magistrates when they have a report of houses that have not been well conducted, or that have been convicted in the course of the year; do they always suspend the licence, or always renew the licence?—When the annual licensing day comes, and the applications for renewals are made, the superintendent of police makes his report to the magistrates of those houses against which informations and convictions have taken place, and the consideration of that is reserved until a future day; it is considered in the meantime, and then it is decided whether they shall be suspended or not; they are suspended in many cases until the adjourned day.

8375. The decision of the magistrates is suspended?—Yes, and the licence is not renewed until the adjourned day.

8376. But generally, would you say that the licence is taken away?—I believe I have

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have never known more than two cases of a licence being taken away; the cases have been so very few in which the conduct has been very bad.

8377. Then it does not depend on any number of convictions, but on the nature of the case for which the man has been informed against and convicted?—It would depend mainly on the nature of the case; if they have been convicted for minor offences, if they were very numerous indeed, that would have an influence; but practically speaking, I have not known any cases of very serious importance, more than two or three.

8378. In fact, the publicans at Birmingham have no particular reason, from the past conduct of the magistrates in that respect, to apprehend their licences being taken from them?—I think not.

8379. Now, as to the beerhouses; you have a great number of beerhouses in Birmingham?—I think there must be nearly 1,100.

8380. And have you any reason, acting as a magistrate, for believing that those who hold the beerhouses conduct themselves worse than the public-houses?—They are not so high a class of persons, a lower grade of persons, undoubtedly.

8381. They are confined to one branch of the trade which requires much less capital to go into, and consequently they are poorer men?—They are poorer men; poorer men take those houses.

8382. Have you any reason to suppose that those houses are more generally disorderly than the public-houses?—Generally speaking, I do not think that the beerhouses are so well conducted as the licensed victuallers' houses. I think the convictions that take place show that they are not so well conducted as the licensed victuallers' houses.

8383. Are you referring to the number of the convictions, or the nature of the offence?—The number of the convictions.

8384. You are aware that they can offend the law in many respects in which it is not an offence with the publican?—Yes.

8385. You have not considered whether the number of convictions arises from that circumstance more than from their being more careful than the publican?—No; I draw my opinion from the number.

8386. But looking to what you term very bad cases, do you consider that the beerhouses are more liable to offend than the public-houses?—Yes, I do.

8387. Is that from reference to data that you have got officially?—It is from reference in my own mind, from data that have come before me as a magistrate.

8388. You have not any particular fact to support that view?—No, no particular facts.

8389. Have you any reason for wishing that the law were altered with respect to the beerhouse licences?—I do not know what value would attach to my opinion on that subject, but I am jealous as a magistrate and as an individual, of the almost unlimited extent to which the establishment of houses can be carried under the Beer Act for drinking even beer; I am rather jealous of it.

8390. Do you mean it gives too great a facility for people to have beer to drink?—It gives a greater facility than I think is at present advisable for tippling, and for assembling people together for that purpose.

8391. As far as I understood your former answer, there is every facility for drinking spirits at Birmingham, owing to the establishment of gin palaces, and the number of public-houses?—There is all the facility of course which they afford.

8392. If people were disposed to drink or get drunk, there is every facility afforded by the public-houses?—It is a limited facility, because the number of public-houses is limited by the number granted by the magistrates; but with respect to the beerhouses it is only limited to the number granted by the Excise.

8393. Is there any part of Birmingham where a person disposed to get drunk on spirits would not find easy access to a spirit shop?—I dare say he might.

8394. What do people get drunk on chiefly in that part of the country; is it beer or spirits?—The drunkenness of Birmingham has very much diminished, and my opinion is now that there is more intoxication from spirits than from beer; the intoxication from spirits is increasing, but drunkennes generally is very much diminished in Birmingham.

8395. The people drink less beer in proportion to spirits than they used to do?—I cannot speak to that. From information I have received, I should say that the

the number of persons who tipple in public-houses is very much less than it was many years ago: experienced police-officers have told me so. Drunkenness, on the whole, has diminished; but I think a large portion of that which still exists arises from spirit-drinking, and not from beer-drinking.

8396. Then you have no reason to suppose that the increase of beerhouses has had any demoralizing effect on the people of Birmingham?—It is not shown by the increase of drunkenness; but the evil that I attribute to it is, that, as magistrates, we find that a great number of the cases that are brought before us every day, whether assaults or fighting, all those offences, the great majority of them proceed from beerhouses, and from persons who meet there, drinking on the premises. That is the class of offences I allude to.

8397. And inasmuch as those offences have diminished, do you know at all where they used to be committed before the Beer Act?—I am speaking of the offence of drunkenness having diminished very much.

8398. I understand you, as a magistrate, that the cases of assault and disorderly conduct are generally proved before you to have taken place in beerhouses?—It is the general opinion of the magistrates that a great number of them originate there.

8399. But inasmuch as drunkenness and disorderly conduct has diminished at Birmingham, these assaults must have taken place before, and I presume were in public-houses?—But assaults and fighting do not necessarily take place from drunkenness; they take place in the houses where there is facility for tippling.

8400. Is it not the fact that there is very much less brutal conduct and fighting, and, in fact, assaults are fewer now in Birmingham than anybody remembers at any former period?—I am not prepared to say that they particularly are so.

8401. But I understand you to support the opinion that has been expressed in this Committee, that the demeanour of the people in Birmingham is very generally improved?—Yes, no doubt.

8402. And there is less disorderly conduct than there used to be?—Undoubtedly.

8403. Mr. *Barrow*.] Do I understand you that the offences of drunkenness and disorderly conduct appear to be greater in the public-houses, where they sit down to tipple, than in the gin palaces, where they merely go in to drink and come away?—I was not aware that I said that. Formerly, of course, beer could be sold to be drunk off the premises, not to be drunk on the premises. I think there is a disadvantage from the increased facility of tippling since beer was drunk on the premises; but, unfortunately, in the gin palaces, likewise, they can sit and drink there, and that produces a greater amount of evil than the other, because, I think, the evil to the working classes from drinking spirits is very far greater than the evil produced from drinking beer.

8404. And in the gin palaces the practice is to sit and continue drinking?—Yes, that is the great evil; they can sit; and the gin palaces are attached to the music-saloons, and fitted up in the style to which the Honourable Chairman has alluded, and that makes the temptation so very injurious, not only to the grown-up people, but to the children. The lower class of children are tempted into them.

8405. *Chairman*.] You object to public-houses carrying on any other business than that of a publican, and you refer to the saloons and dancing rooms as merely to excite people to drink, to attract them to the house with that view?—Yes.

8406. And do the magistrates ever interfere, or do they stipulate that persons applying to them for licences shall not have music and dancing?—No, we do not stipulate; we have no power to enforce it, therefore it is useless to stipulate. Sometimes persons have made promises, but we do not attach any value to them.

8407. You think it a positive evil to have these houses connected with the public-houses?—I do; I think it would be good if the magistrates had the power of suspending a music licence without suspending the beer licence; and to suspend the spirit licence when it is abused, as it is in very many cases, without supending the licence of the public-house.

8408. The magistrates have the entire discretion in granting the licence originally, and renewing it the following year?—Yes.

8409. Therefore my question was, whether the magistrates there stipulate with persons to whom they grant licences that they shall not have saloons and concert-rooms, and other attractions of that kind, to induce them to drink, and on finding that they have broken their promise, do they refuse to renew the licence?—They

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do not make the stipulation; and I do not know of any case of their refusing a licence in consequence of a music saloon having been opened; I do not know any case of that kind.

8410. Mr. *Barrow.*] It would depend on the conduct observed in the saloon, whether it was kept in a disorderly manner or not?—Yes.

8411. *Chairman.*] Is it the case that a committee has recently been formed in Birmingham to promote the better conduct of public-houses?—There is a very strong public feeling existing in Birmingham with respect to the gin palaces, and to those public-houses to which retail gin shops are attached.

8412. I was referring particularly to a society formed for the express purpose of watching these houses, to procure them to be better conducted generally?—There is a society formed, to what extent it goes I do not know; I do not belong to it.

8413. It has been recently formed?—Yes.

8414. There has been a public meeting this year on the subject?—There has been a meeting of certain individuals. I should not call it a public meeting, because it was not held by any authority; it was a meeting of many individuals.

8415. This strong feeling that exists at Birmingham, is it against the existence of such places as saloons and concert-rooms?—Not so much against concert-rooms and saloons, provided they were under the strict control of the magistrates, that they might stop them in case they found them to be very badly conducted.

8416. Are there many of them at Birmingham?—The superintendent of police will tell you better than I can; I do not know how many.

8417. As a magistrate, have you heard of any evil attending them at Birmingham?—I cannot say as a magistrate; but as a large manufacturer, with a great many working people, I can speak to the injury done to the young people I have by these places.

8418. In waste of wages, or waste of time?—When they leave work at night, they go to these places and spend their nights there.

8419. Then these houses may be open all night, or may be at any hour?—As licensed victuallers' houses may.

8420. Are these saloons subject to any regulation?—They are subject to no regulation.

8421. Would you suggest that they should be put on the footing of houses that are to be closed?—I think they should be licensed, and closed at a certain hour.

8422. You make that suggestion from some evils of their being kept open, and not being regulated, that you have experienced in Birmingham?—Yes; I have a conviction of the propriety of it.

8423. Do you know at all whether drunkenness is promoted by them?—No; I cannot speak to that.

8424. I presume it answers the publican's purpose to have such rooms?—It must.

8425. Are there any other places of public amusement at Birmingham that can be carried on without licences, which are not subject to the authorities of the police?—Yes, there is one class, and a very bad class; the coffee-houses.

8426. There is no restriction upon them at all?—No restriction whatever; and when the beerhouses are closed, and the persons who have been sitting there leave them, they then retire to the coffee-shops; and my opinion is, that the coffee-shops are as bad, as the superintendent will tell you far better than I can. My opinion is, that the coffee-shops are as bad as the others.

8427. Mr. *Barrow.*] Have many of the coffee-shops music and dancing-rooms attached to them?—No; I think there is card playing in coffee-shops.

8428. Have you much accommodation for music and dancing in Birmingham, not connected with public-houses?—No, we have no public provision with respect to dancing; with respect to music, we have public concerts for the people every week; every Monday evening, and always crowded.

8429. Have the cheap concerts at Birmingham answered?—Yes; they are highly successful, and very useful.

8430. And beneficial in keeping the working people from the public-houses?—I have no doubt of it.

8431. *Chairman.*] Are there museums opened at Birmingham, or any places of that kind, accessible to the lower class of people, of that sort?—We have no public museums at present; we are endeavouring to establish one, but we have a botanical garden,

garden, which is likewise thrown open every Monday to the admission of the people by paying a penny each; that is always crowded.

8432. Is there any park in the neighbourhood of Birmingham?—There is no park at present.

8433. In every case of the people having access to innocent recreation, do they avail themselves of it?—Yes; I believe it is the increased taste that people now have for amusements of that kind, and for attending lectures of all kinds, of which we have very many, that takes a great many of them away from the public-houses; I am told so by police officers who have a knowledge of it.

8434. There have been a great many petitions presented here from large towns, pointing to the evils that follow from public-houses being opened during the whole of Sunday, with the exception of the time of divine service, and they recommend that the public-houses should be closed altogether on Sunday; do you think that that would be attended with any advantage in Birmingham?—They close in Birmingham on Sunday morning, not on Sunday afternoon; I think if they were closed the whole of Sunday, it would cause very considerable inconvenience in many districts; I think many families obtain what they require on Sunday from the public-houses, as they do on other days.

8435. You would not alter the law in that respect; you would not distinguish between certain public-houses that might be opened on Sunday, from houses that should be closed; but you would leave the law as it is in that respect?—I would draw no distinction.

8436. It has been suggested, that a few, to meet the convenience of travellers, or persons wanting liquors, not for the purpose of consuming in drunkenness, might be opened, whilst the generality of these houses should be closed?—I think it would be very difficult to draw the line; I think it had better be all or none.

8437. We have heard in this Committee that the beerhouses and public-houses are opened in Birmingham on Sunday afternoon; is that so?—Yes.

8438. You are aware that is not the practice, generally speaking; the hours from three to five, during the time of afternoon service, those houses are closed in most other parts of the country?—Yes.

8439. Has that been brought before the attention of the magistrates, that these houses are open on the Sunday afternoon?—Not to my knowledge.

8440. Is it deliberately allowed by the magistrates?—It has been the custom; I am not aware that it has ever been deliberately considered; I think it might well be deliberately considered.

8441. Have the magistrates ever had it brought under their attention what is the consequence of that, that they are all filled, and a great deal of disturbance and riot goes on?—Not to my personal knowledge.

8442. Mr. *Barrow.*] The church service in Birmingham is nearly as much in the evening as in the afternoon?—Yes.

8443. You do not think that the public would be sufficiently accommodated if the public-houses were allowed, notwithstanding, to sell beer not to be drunk on the premises only?—If a distinction could be drawn with respect to travellers, I should think the public might be as well served if that distinction were drawn.

8444. The great accommodation you think publicans grant to people in Birmingham on Sundays, is the issue of liquor not to be drunk on the premises?—Yes.

8445. That is the accommodation you wish to see?—Yes; if a provision can be made with regard to travellers.

8446. *Chairman.*] You would then think it an improvement that liquors should not be drunk on the premises on Sunday?—I would.

8447. There is no other suggestion you would make with respect to the laws affecting either the sale of beer or spirits, than those you have already made to the Committee?—No; what I attach most importance to is some additional control over the sale of spirits, if they could be controlled in cases of misconduct, and misconduct in the opinion of a magistrate; if a spirit licence could be dealt with by them without necessarily taking away the beer licence, I think it would be a great improvement.

8448. That practically is the case, that if a publican misconducts himself, the magistrates may refuse to renew his licence and he may then apply to the Excise and get his licence?—I believe it is not the practice of the Excise to grant it; I believe it is not their practice to grant a spirit licence without a magistrate's licence.

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8449. But if the magistrate had refused to grant the usual certificate for the man to obtain a licence to sell spirits and beer, he might then go and take out a beer licence from the Excise?—Yes.

8450. Then, practically, a man who has misconducted himself in selling spirits may get a beer licence?—Yes, he may.

8451. Mr. *Barrow.*] I understand you to mean that you would rather the magistrates had the power of suspending the spirit licence, not suspending the beer licence at the same time?—That is my meaning; I think it would be well if some greater power were given to interfere with card-playing.

8452. *Chairman.*] Is that extensively carried on in the public-houses in Birmingham?—I think it is carried on at public-houses and beerhouses at Birmingham.

8453. Gambling is against the tenor of the licence?—Yes; but then you must prove gambling.

8454. You must prove playing for money?—Yes.

8455. And that is not proved by finding dice or cards when the police go in?—It is very difficult to prove it.

8456. Have you had cases before you, as a magistrate, where the presumption has been that gaming was going on, but for want of being able to prove money was being played for you could not convict?—I think I have; but I am quite sure other magistrates have.

8457. Would you make it conclusive the finding cards or dice, or any other arrangements for play?—I am hardly prepared to say what the alteration should be; I think it is worth considering in what way it could be prevented.

8458. Have you no doubt yourself at present of the complete power and discretion that the magistrates have in granting the licences, and in not renewing the licences?—They have full power over granting the licence.

8459. You have a peculiar police there, the police of the town?—We have an established police.

8460. And the police are directed to make their report on all these houses?—Yes.

8461. And if they do make their reports to the magistrates, the magistrates may act upon them according to the best of their judgment, may they not?—Of course they must act according to the best of their judgment, but it is very unusual to take away a licence.

8462. You have no reason to doubt that the police do their duty?—No, I have not generally.

8463. They make a faithful report of all the offences they discover in these houses, and the magistrates deal with them in Birmingham according to the best of their judgment, although they very seldom withhold a licence?—I believe generally the police do their duty well, and if they do of course they make their reports to the magistrates, who deal with them accordingly.

8464. I understood you to say, that you would rely, under all circumstances, for the good conduct and management of these houses of public entertainment, on the vigilance of the police, and a certain application of the law by the magistrates?—Yes; I do not know any other; that is the present plan.

8465. You have a stipendiary magistrate at Birmingham?—No, we have not.

8466. What are they, country magistrates that attend?—No, there are 32 municipal magistrates, and 11 county magistrates, who have concurrent jurisdiction, so that it makes a body over 40; and about 19 or 20 do the magisterial duty of the place.

8467. You have a Recorder and a gaol?—Yes.

8468. Mr. *Barrow.*] The magistrates very rarely put in force the clause in the Beerhouse Act under which, for repeated convictions, they could suspend the licence, or disqualify the keeper of the house?—I have not known any such case. There have been cases when they have been reported to the Excise as having been guilty of misconduct, but I have not known any case.

8469. In which the magistrates have exercised the power given to them in the Act for repeated convictions of disqualifying the party?—No.

8470. *Chairman.*] But you have no doubt of people repeatedly offending, and being repeatedly convicted, before the magistrates?—Some have of minor offences, but not of serious offences.

8471. You do not know a single instance in which the magistrates have given any notice to the Excise not to renew a licence?—I have not given any myself; I am

I am only speaking of my personal knowledge. I have not been for several years very active since the establishment of the borough magistrates; I have only acted occasionally.

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8472. I suppose it is uncertain who attends of the magistrates on the occasion of the licences?—There is no arrangement; we all attend. I should say there are always 19 or 20 who practically do the business of Birmingham; they are always present.

8473. There are 19 or 20 of the municipal magistrates?—There are 32 municipal magistrates.

Admiral *Hope*, called in; and Examined.

Admiral *Hope*.

8474. *Chairman.*] YOU are Chairman of the Board of Directors of the Sailors' Home?—I am.

8475. And you signed the petition to the House of Commons?—I represented the directors of the Sailors' Home as chairman.

8476. Of a meeting?—No, for the petition.

8477. A petition on behalf of the directors of the Sailors' Home, was presented to The House, alleging certain things, and amongst others, that there were great disorders in the district where the Sailors' Home Society is established, and ascribing the evil to the state of the public-houses?—Yes, I think that is the state of the case.

8478. Would you very shortly state what connexion there is between the disorders which are complained of, and the public-houses that exist there?—The thoroughfares are taken possession of by loose characters, who are brought there by the sailors, who frequent the Sailors' Home as a boarding-house.

8479. You are now alluding to a particular district or street?—To the streets surrounding the Sailors' Home, off the London Docks. The increase of public-houses in consequence is very considerable, and they are conducted in a very irregular manner. There are rooms for dancing, in short all the attractions enticing the sailors out of the Sailors' Home, and the consequence is that they are plundered.

8480. In the first place, I understand you to say, that there are great disorders in this neighbourhood of the Sailors' Home?—Yes.

8481. And you ascribe that very much to the great excess in number of the public-houses which exist there?—What I have witnessed myself as a visitor.

8482. You complain of the number of public-houses there, greatly exceeding the requirements of that neighbourhood?—Yes.

8483. And you further allege that these houses, which are excessive in number, are conducted in a very disorderly manner?—Yes, irregular, certainly.

8484. State in what way you consider they are conducted disorderly?—I think these dancing rooms is an instance.

8485. Is there riot, noise, and fighting?—I can only say when I have met the women on the pavement, they have been in the state that the petition represents.

8486. Will you state with a little more distinctness what it is that you consider to be generally the result of the characters that resort to these houses, as well as the number of the houses to which they resort; what kind of disorders?—It is the consequence of men and women who are in a state of intoxication meeting together, and the whole neighbourhood is affected by it.

8487. Any complaint of this sort is rather a reflection on the police?—I should say that the police, if they do their duty, might prevent a great deal of this.

8488. Any statement of this sort is a reflection on the police, and therefore we should wish to hear distinctly what are the disorders that take place in the neighbourhood of the Sailors' Home of which you complain?—I thought I had stated pretty much what the consequences are; there is the irregularity of drunken men and drunken women surrounding our institution, and they have possession of the thoroughfare, so that I have found it exceedingly difficult to get into the institution.

8489. You find that these people get drunk at these houses, loiter about the streets, and then become a nuisance to the neighbourhood?—Yes, they are boarders of the Sailors' Home, and we receive them in that drunken state. The object of the institution is to save the men from being plundered; that we cannot succeed

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in while these public-houses surround our institution, and they are also increasing.

8490. Is the institution a sort of lodging-house?—A boarding-house for the seamen of the port of London.

8491. Mr. *Barrow.*] Your complaint is that an additional number of public-houses are licensed?—In consequence of this boarding-house being in Wells-street, near the London Docks.

8492. *Chairman.*] Are not the police constantly in that neighbourhood?—They are; but they cannot prevent what I am now telling you.

8493. Are the police ever applied to, to require the people to move on, not to obstruct the thoroughfares?—Yes.

8494. Do they do their duty?—The police only can interfere under certain regulations, so they tell us; that is to say, if the men and women are moving on and surrounding the Home, they cannot touch them.

8495. Has there been any application or any notification given to the magistrates that these houses are so conducted, or that they are too numerous; the magistrates, you are aware, have an annual licensing day for these houses?—I am not aware of that; but we have always applied to the police.

8496. How long is it that you have had reason to complain of this state of things?—For 10 or 12 years, since the institution has been opened.

8497. And you think the evil is rather on the increase than otherwise?—Quite so, because within the last few weeks a very extensive public-house which we had influence enough to keep closed has been opened.

8498. There has been an additional public-house?—Yes; within the last few weeks, a very large house indeed.

8499. Is that a house which was not well conducted formerly?—It is a new house.

8500. Mr. *Barrow.*] Your complaint is, that a new house has been licensed recently?—Yes.

8501. And was not wanted?—I should say it was not wanted.

8502. *Chairman.*] I understood you to say that this institution, of which you are the chairman, is especially for the purpose of preventing sailors being plundered?—Yes.

8503. Owing to the number and character of these public-houses, your object is defeated, because the sailors are enticed into these houses and plundered?—Yes.

8504. And you have really evidence of the fact, that some persons belonging to the Sailors' Home have been enticed into the public-houses, made drunk, and plundered?—I cannot say that we could put our hands on the men, because they are gone. The Home is a house of passage; they are only with us for a short space of time. We are a shipping office, independently of the Sailors' Home; so that ships are paid off and manned again; so that these men are off instantly. I have no complaint of a certain man who has been plundered.

8505. Now, I ask you, whether you have had evidence of facts brought before you that left you no doubt of the things you state in this petition?—I should say so.

8506. You have not any return exactly of the proportion of public-houses to other inhabited houses or to the population?—No; that I could have for you. We consider these public-houses are working against us in a very formidable way.

8507. In that particular?—In that particular of robbing the sailors; in short, they are paid at our institution; they get into the street, and they are taken possession of, and we cannot at all know what has become of them.

8508. There is no other object in this Sailors' Home; it is not a religious institution, or for the purpose of reforming the sailors?—We have a church for the port of London attached to the Sailors' Home, where we induce the men to go.

8509. There is nothing but public-houses that you complain of; there is no other description of house?—I should say what are called Green Rooms; that is, for dancing.

8510. There are some of those in that neighbourhood?—Yes.

8511. I understand you to repeat what you have stated in your petition, that you ascribe this evil not to the fact of there being a great number of sailors in that neighbourhood, and consequently a great number of females, but the evils are to be traced to the number of these public-houses, and the manner in which these houses

houses are conducted?—Yes; but the public-houses are brought there by the men and women. Admiral *Hope.*

8512. The evils incident to these particular characters are owing to the number and conduct of these public-houses?—Yes; while these public-houses exist, I do not know how it can well be remedied, because the public-houses being there, they receive these men and women, and of course, the consequences I have stated arise. 15 July 1853.

8513. But still you believe they harbour disorderly characters, and people go out drunk from these houses into the street?—Yes; you meet both men and women, and wherever a large number of sailors are together, if the houses are there, they will drink.

Mr. *James Steed*, called in; and Examined.

8514. *Chairman.*] YOU belong to the H Division of the Metropolitan Police?—Yes. Mr. *J. Steed.*

8515. You are the superintendent of that division?—Yes.

8516. Have you seen a petition which was presented to the House of Commons, which has been referred to you?—I have.

8517. Have you seen the facts stated in it?—Yes.

8518. You have heard Admiral Hope's evidence here?—I have.

8519. He states that there are diorderly characters, who assemble in the street in which the Sailors' Home is established, and that these people are disorderly in the street, after having become drunk in the neighbouring public-houses?—Whenever there has been a disorderly character seen in the street by the police, they have been apprehended and taken to the station directly.

8520. Is it your duty, if you see a person who is disorderly, or drunken in the street, to convey him to the station?—Certainly.

8521. Have you anything to state as to the fact, that a great number of disorderly characters do congregate in these places and in the street?—I have seen a great number of sailors congregating opposite the Sailors' Home, and sometimes girls with them.

8522. Have you removed them or desired them to move on?—No, they were perfectly orderly, therefore we had no power to do it.

8523. Have you ever been applied to do so?—Several applications have been made at the station.

8524. That these persons should not be allowed to stop in one place?—Stating that disturbances were taking place in Wells-street, and constables have been sent down and brought no charges in; on such occasions, generally speaking, there was no occasion to interfere.

8525. Is this place habitually in this state?—This place leads into Ratcliffe Highway, and there is a great traffic, at least a thoroughfare for sailors of all nations, and girls too; there are a great many girls and sailors pass there.

8526. Do you know that they are in these public-houses and get drunk there?—Whenever they have been noticed to create a disturbance in public-houses, the landlords have been summoned.

8527. By the police?—By the police.

8528. The police have taken out the summonses?—The police have taken out the summonses.

8529. Whenever you have observed that people are allowed to remain in the houses after being drunk?—Yes.

8530. And whenever they have been disorderly in those houses?—Yes.

8531. Do the police attend often enough, or in sufficient number to give information whenever these disorders take place in those houses?—They do.

8532. Do the convictions generally follow on those cases being heard before the magistrate?—Yes; but it is the practice now, as soon as a disturbance takes place, the publican gets assistance, and turns the parties out into the street, and gives them into custody. During the last six months, there have been no less than 35 cases of that kind.

8533. Are these 35 cases where a number of persons have been turned out drunk, or 35 persons who have been summoned?—Those are where the landlords have given the parties into custody for being drunk, creating a disturbance, or wilful damage.

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8534. How have you dealt with those cases?—They have been convicted by the magistrates generally.

8535. How many cases have there been of publicans or beer-sellers who have been summoned?—Within the last six months there have been none at all; it must be proved that they knowingly harbour them.

8536. Do the police ever go into a house to inform the publican what characters he has in his house?—If there was a thief, or a notorious bad character, it would be so.

8537. Do you do the same with respect to the women?—No.

8538. Do the police ever call the attention of the landlord to the house being disorderly?—If it is so he is summoned.

8539. But the fact is, that within the last six months, notwithstanding the vigilance of the police, there has never been any occasion to summon a landlord?—No.

8540. And you believe that is because they have never offended?—I believe so.

8541. You have no doubt of people having got drunk in the houses?—No doubt of that; there are a great number of houses in the neighbourhood of all kinds.

8542. Within the last six months you have had 35 cases of persons being given in charge?—Yes.

8543. What number of persons at each time?—I think that would amount to the number of persons altogether.

8544. Are the public-houses very numerous there?—They are, in fact, in the whole district; they are very numerous. The division is not more than half a mile wide, and a mile-and-a-half in length, and there are very nearly 500 public-houses and beershops in that district.

8545. What do you call the district?—That which I point out to you; the division joins the city, Norton Folgate, Shoreditch, and part of the Hackney-road, and the river front is the London Docks, the Tower, and St. Katharine's Docks, so that it is a strip up to the Hackney-road.

8546. What is the distance?—Half a mile through, and about a mile-and-a-half in length.

8547. You think there cannot be less than 500 public-houses and beerhouses?—Yes.

8548. Do you say they are pretty well full every night?—A great many; it is a most populous neighbourhood, from one end to the other.

8549. Have you attended the magistrates when they have been giving or renewing licences?—I have not.

8550. Has one of your force?—Yes; the inspector has always done that who has attended to the summonses throughout the year.

8551. This year they have had nothing to complain of?—When I referred to there being none in six months, that was with regard to the immediate neighbourhood of the Sailors' Home.

8552. But of those 500 houses?—I have a had great many convictions.

8553. That have been summoned?—Yes.

8554. What have they chiefly been summoned for?—Sunday trading chiefly.

8555. And not generally for disorderly conduct?—Not generally.

8556. Did all those persons have their licences renewed this year?—There were four or five suspended for a time, and they were afterwards given to them.

8557. How do the magistrates deal with these public-houses: suppose a person is summoned for harbouring bad characters, or allowing drunkenness in his premises?—I consider they deal too leniently with them.

8558. Is it a fine?—They have fined them.

8559. To what amount?—I had one man in this neighbourhood last year summoned for having riotous and disorderly persons in the house, and he was let off with costs and a caution the first time. After that it was repeated; on the second occasion he was fined 10*s.* and costs, and afterwards his music licence was taken away from him.

8560. When he applied for a renewal of that?—Yes; and there was information given to him that his victualler's licence would not be allowed, and he got that transferred.

8561. Before the licensing day?—Yes.

8562. Therefore his conduct was not brought under the notice of the magistrates?—No; that man is still in the house.

8563. Who

8563. Who was the person to whom he transferred the licence; a member of his family?—His barman.

8564. His conduct was not brought before the magistrates at all at the licensing day?—No, it was not.

8565. Was there any inquiry at the time of the licence being transferred, as to the circumstances under which the transfer took place?—No.

8566. Was there any inquiry into the character of the transferee?—There was; and the facts were stated also that this man was in the house when the offence was committed.

8567. That was stated on the transfer day before the magistrates?—Yes.

8568. What is the sign of this house?—The Cock and Neptune.

8569. Do you know who the house belonged to?—No, I do not.

8570. It did not belong to the man who transferred his licence?—I do not know.

8571. Do you know whose beer it is that is drunk there?—No, I do not.

8572. Did any one attend for him at the transfer day?—I was not there, and could not speak to that.

8573. Have you had any other case of this kind in this neighbourhood, where a man has transferred the licence before the licensing day?—No, I have not; I have other cases in another part of the neighbourhood, if you like to know it, at another time.

8574. That is, within your own district?—Yes.

8575. But not this particular one; Wells-street, London Docks?—No.

8576. Mr. *Barrow*.] Had this man, to whom the licence was transferred, been the barman and engaged in the house at the time of the previous conviction, and the previous complaints?—Yes.

8577. *Chairman*.] Does he hold it now?—Yes.

8578. How has the house been conducted?—It is one of the worst we have; it requires most looking after.

8579. Then it is not much improved?—They take every precaution to keep within bounds, not to be summoned; but it is the worst place we have.

8580. What is it that the publican can do to prevent drunkenness upon his premises, or to prevent disorderly conduct; I presume he cannot refuse a customer drink?—No, certainly not.

8581. Can he refuse to supply a man only on his appearing to be drunk?—That is all.

8582. Could you make it a charge against a publican that he had supplied men with drink who had drunk too much before?—Yes, and either him or his servants must know it.

8583. In what other respects do you say it is ill-conducted; is there fighting going on?—Very low characters altogether congregate there, and although there is no noise at the doors, when the parties turn out at night they are very noisy, in different stages of drunkenness.

8584. Is there gaming going on there?—No.

8585. Do men and women congregate there?—Yes.

8586. Openly drinking?—Yes.

8587. But there is not actually riot?—No.

8588. There is no case for which a man could be given in charge?—No.

8589. How can a publican avoid precisely that which you describe to take place in this ill-conducted house; those people do not break the law while they are in the house, and they are bringing him good custom by drinking?—That is the very thing that would give persons not acquainted with the facts reason to complain of persons standing about the door, or in different stages of drunkenness.

8590. You would confine your remarks to a man giving drink after the people are perhaps drunk?—Yes.

8591. That occasions them to quit the house in a drunken state, and probably to be disorderly in the street?—Very likely.

8592. Those complaints which have been stated here you would ascribe to that cause, that people come out of those public-houses drunk, and loiter about the street?—I think not; what I allude to more particularly is at night. I presume what Admiral Hope has stated refers to the day time.

8593. He did not state what hour; he said assembling in the street?—It was going to the Home; therefore it was not likely to be at the night time.

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8594. Is that closed at a particular time?—Eleven o'clock is the time for the sailors to be in.

8595. Are those public-houses open very late?—They generally "turn out," as they call it, at 12 o'clock; but some of them keep open until one or two. There is no music after 12.

8596. Mr. *Barrow.*] Do I understand you, that you have made no complaint for disorderly conduct against any house in that street during the last six months?—Not the last six months.

8597. By this return there were seven complaints made in the course of the last 18 months, and only three convictions?—Yes; it is a very small neighbourhood there, and I have confined myself to disorderly conduct.

8598. As to four of the complaints, there was no conviction followed?—No, there was none.

8599. Has that been the cause of your not making complaints during the last six months that the houses have been better conducted?—They have been better conducted. I have looked to this part myself. I have been there on Saturday nights, when the houses are closing.

8600. Is it brought to the knowledge of the magistrates; I see a part of your report in which you state, there are seven houses within a limited distance, of which only two have licences for music and dancing, and the other five have music and dancing without a licence?—About four years ago there was a return made before the licensing magistrates relative to houses licensed and not licensed for music.

8601. And there are these houses breaking the law by having music and dancing without a licence?—Yes.

8602. Has that been brought recently to the attention of the magistrates?—No, not recently.

8603. Why not?—It is under a very old Act, which I heard mentioned here to-day, 25 Geo. 2, cap. 36.

8604. *Chairman.*] The Act requires them to be licensed?—It requires them to be licensed, and punishes them for having music without a licence.

8605. But the question has reference to those houses continuing to exist without a licence?—Yes; it must be by an action, I believe, that they can be interfered with.

8606. Could you lay an information against them before the magistrates?—No.

8607. Do you believe that this district would have been better conducted if fewer public-houses had been licensed?—I think the less public-houses, the less drunkenness there would be, certainly.

8608. You think there are more public-houses than are necessary in this district?—This neighbourhood is supported entirely by sailors and the girls; the houses have existed there, and they have been allowed to go on in this way for years.

8609. Mr. *Barrow.*] Do you know anything of a large house having been licensed recently?—I know of a large house licensed recently, but it is almost a transfer from another house which has been pulled down to enlarge the London Docks; that is the only one I know.

8610. *Chairman.*] When was the last house licensed before this; have there not been each year fresh applications for licences for this district?—For this house just mentioned?

8611. Not for this house, but since you have known this district, have there not always been applications for licences to the magistrates?—No.

8612. Do you attend on the licensing day?—No.

8613. Then you do not know whether persons apply and are refused?—I should have known it.

8614. But you believe there have not been applications?—I believe there have not been.

8615. But practically this is a fresh house?—Yes.

8616. Did any one attend on the licensing day to inform the magistrates that the district had enough without giving another?—Not that I am aware of.

8617. Who does this house belong to that is licensed?—I do not know.

8618. Mr. *Barrow.*] Is it very close to the site of the old one?—It is about 100 yards from it; it is farther from the Sailors' Home than the other was.

8619. *Chairman.*] Those are chiefly public-houses that you have referred to?—Yes.

8620. Licensed to sell spirits?—Yes.

8621. What

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8621. What number of beerhouses are there?—I could hardly tell you without drawing a line; there are more public-houses than beerhouses.

8622. Taking that district in which you say that there are 500 public-houses, do you include beerhouses in them?—Beerhouses as well.

8623. Are you aware that in a return which has been made from the police, the number of public-houses is 347, and the number of beerhouses 152?—I dare say that is correct.

8624. You see by this, that the public-houses are much more numerous than the beerhouses?—Yes.

8625. Are there any coffee-shops in this particular district which are complained of as being very disorderly?—There are a great many coffee-shops, and very bad ones, but we have had no occasion to summon them.

8626. What could you summon a coffee-shop keeper for?—The same as the keeper of a public-house, with regard to disorderly conduct.

8627. If there was disorderly conduct, could you do anything more than take up the people who were the parties to it?—I should summon the proprietor for permitting it, just the same as the proprietor of a public-house.

8628. Under what Act?—Under the Police Act.

8629. Have you a right to enter a coffee-shop unless you are called on to take a charge?—It is not generally known, but we have no authority.

8630. But you have authority to enter a public-house?—Yes, or a beershop.

8631. Do you think any of those people that Admiral Hope complained of had been into coffee-shops as well as public-houses?—I think it is very likely.

8632. Do you believe they consume spirits in those coffee-shops?—Yes; I have had some few convictions.

8633. You have known it then?—Yes.

8634. Are they kept open all night?—Yes; there is one that never closes.

8635. For what purpose is that; is it to accommodate anybody at night?—It is a brothel, no doubt.

8636. Is it within your knowledge that some of those coffee-shops are used for both purposes?—Yes; I could prove it by the men.

8637. You consider that there is nothing that the police have it within their power to do that could make this district, which is complained of in this petition, more orderly?—I am satisfied of it.

8638. Do you know anything of sailors being plundered in those houses?—I never heard of one.

8639. Then you never had a charge of a person robbing a sailor or any customer at those public-houses?—No.

8640. Nor at those dancing rooms?—As a complaint, I have not heard of such a thing.

8641. There is no general report that sailors are taken into those houses and plundered?—No; I do not believe it.

8642. There is no robbery in those houses?—No; those robberies take place in lodging-houses.

8643. Have you never known them take place in a coffee-shop?—I could not name any particular case.

8644. You never had to do with any case of that sort?—No; they have occurred. I could not name any particular case.

8645. You have never heard any report in that neighbourhood of people being plundered in certain houses?—Certainly not; some of those dancing rooms, as far as they are concerned, are conducted well; there are some well conducted men holding those licences, who are in the rooms themselves, and will not allow the least impropriety to be carried on. I have visited them, and I know it.

8646. You do not know anything bad of this kind against any other sort of houses?—No.

Mr. *Richard Alleyn Stephens*, called in; and Examined.

Mr. *R. A. Stephens.*

8647. *Chairman.*] ARE you Superintendent of Police at Birmingham?—I am.

8648. How long have you been there?—Thirteen years.

8649. Were you there before the Municipal Act was passed?—I was.

8650. They have had a peculiar police since then?—Yes.

8651. Have you to do with the police which now exists under the authority of the corporation?—Yes; I am chief of the police.

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8652. You acted for the county before?—No, for the Government.

8653. Are you now acting for the town?—Yes.

8654. Did you hear the evidence given by a magistrate for your town, Mr Smith?—I did.

8655. With respect to alehouses and beerhouses, and other houses of entertainment, and the mode in which they are conducted in Birmingham?—Yes.

8656. Has he, in your opinion, stated accurately the case with respect to those houses?—He has.

8657. Is it the fact, as was stated here, that those houses are all open on Sunday afternoon?—It is.

8658. Have you any observations to make on that?—None.

8659. You do not believe that it is attended with any inconvenience?—I am not aware of it; I never experienced it.

8660. Those houses are all full on Sunday afternoon?—Some; not all.

8661. Do you state, that generally they are well conducted on that day?—Very well.

8662. Have you anything to state as to the beerhouses, as to their being less well conducted than the public-houses?—Yes; by the number of convictions.

8663. As to the nature of the offences, are there offences peculiar to beerhouses that are not committed by public-houses?—No.

8664. Those convictions have chiefly reference to Sunday trading?—Sunday trading.

8665. Do you know if the magistrates have ever attempted to close the houses on Sunday afternoon?—Never.

8666. Have they objected to do so on application being made to them?—I am not aware of any application having been made to them.

8667. Have you, from reports made by your own officers, any reason to believe that those beerhouses are attended with public evils, as distinguished from public-houses?—No.

8668. Are they more disposed to harbour bad characters than public-houses?—Yes.

8669. You mean notoriously bad characters?—Yes.

8670. How do the police deal with houses which are known to harbour notoriously bad characters?—I order the inspector to go and point them out to the landlord, and if found there again, I summon the landlord.

8671. Do you do that with the public-houses?—Yes; I make no distinction.

8672. Do you find that both classes of houses offend in this particular?—Yes.

8673. What do the magistrates do?—Fine them.

8674. Did you hear Mr. Smith say that he very seldom hears of a licence being withdrawn from a public-house?—Yes. I do not suppose there have been 13 in 44 years.

8675. It is pretty well known to all the publicans, that their licences are not taken away?—Yes.

8676. Do you think that the police require more power in any respect, for the better control of those houses?—No, not greater power.

8677. Mr. Smith has expressed an opinion, that there ought to be more power over the spirit shops, with a view to prevent the sale of spirits to the extent to which they are sold now; have you furnished him with any information on the matter?—No, I have not.

8678. Have you any idea how that would be possible?—No.

8679. Do you confirm his opinion, that there is much less drunkenness than there used to be in Birmingham?—Unquestionably; I have returns which show that.

8680. And less disorderly conduct?—Very considerably.

8681. And the public-houses and beerhouses have increased with the population?—The beerhouses, not the public-houses; there are not so many of them.

8682. Mr. *Barrow.*] The beerhouses have increased in a larger proportion than the public-houses?—Yes.

8683. Do you believe if the law had been more strictly enforced, so that the magistrates had disqualified on repeated convictions, that the houses would be in a better condition than they are now?—I do not; because it is so easy to get a beer licence, that a man would not mind being fined.

8684. I mean if the law was enforced more rigidly against the beerhouse by the man being disqualified on repeated convictions; have you ever known a beershop disqualified under this Act of Parliament?—No.

8685. Do

8685. Do you believe that if proceedings were taken, so as to produce a disqualification under this Act, it would have a better effect on the beerhouses in Birmingham?—Yes.

8686. *Chairman.*] You mean that you would have a beershop-keeper deprived of his licence on repeated offences?—Yes.

8687. You have no means of knowing what effect that would have on public-houses, because the licence is always renewed?—In some instances the licence has not been renewed in Birmingham for public-houses.

8688. In those six cases you have mentioned?—Yes.

8689. Do you believe, then, that those beer-houses would be much influenced by the fear of the licence being withdrawn?—I have no doubt of it.

8690. And that a public-house is not under that fear at all?—I think that public-houses are under fear at times.

8691. Not from any past experience of the conduct of the magistrates?—No.

8692. Have you any doubt that numbers of those licences are transferred to persons of whom the magistrates know nothing?—Yes.

8693. Mr. *Barrow.*] Is there no inquiry made on the transfer as to the character of the party?—Not that I am aware of; not through the police.

8694. *Chairman.*] Are you aware of any case where a licence has been transferred before the licensing day by a man who has violated the law in some way, and whose conduct therefore is not brought before the magistrates?—Yes, I am.

8695. That can be done from the transfer day not being on the same day as the licensing day?—Yes.

8696. Have you any suggestion to make to the Committee, with respect to the amendment of the law as it exists at present, or with respect to the power of the police, with a view to the better conduct of public-houses and beerhouses?—Beerhouses I should put under the magistrates to get a licence.

8697. Do you rely for the good conduct of the public-houses, on the original selection of the man who is to have the licence, or the application of the law whenever he offends against it?—The application of the law.

8698. Why should not that apply to beerhouse-keepers as well as to publicans?—So it does to a certain extent.

8699. I understand you to say, that what keeps the publican in order, is the fear of the law being put in force against him?—The fear of losing his licence.

8700. Not losing his licence, because I understood you to say that he does not lose it?—Some of them have.

8701. But supposing that he knows what the law is, is it the fear of the law after he has got his licence, that really determines the character of the house?—Yes.

8702. Would not that apply to the beerhouse as well as to the public-house; if the man's licence was forfeited, or he was punished, or felt sure how the law would be administered if an offence was committed, would it not have the same effect upon him?—Yes.

8703. Mr. *Barrow.*] Is that the reason you would put the beerhouse licence in the same condition as the public-house licence, that a fear of losing the annual renewal would operate on the beershop-keeper?—Yes.

8704. *Chairman.*] Is it the fear of the forfeiture, that you would depend upon for useful influence on the conduct of the landlord of the house?—Yes.

8705. Do you know any reason why the licence is never forfeited, or why the magistrates never give notice of several convictions of beerhouses to the Excise?—I am not aware.

8706. You only know the fact that they never do?—Yes.

8707. Mr. *Barrow.*] Have you had many cases of repeated convictions of beerhouse-keepers in Birmingham?—Not many.

8708. *Chairman.*] Do you consider that your police is numerous enough?—No, I do not; I have only 327 for a population of 250,000.

8709. Lord *D. Stuart.*] For the town of Birmingham?—Yes, which covers an area of 13$\frac{1}{2}$ square miles.

8710. *Chairman.*] You are only speaking of the police being as vigilant as they can be with respect to those houses?—Yes.

8711. Is it possible that there would not be more informations against public-houses and beerhouses, if the police were more numerous?—Yes.

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8712. Mr. *Barrow.*] You have more than one policeman for every thousand inhabitants?—Yes.

8713. *Chairman.*] You have seen a Return which has been made to Parliament of the cases of convictions for drunkenness and disorderly conduct at Birmingham?—I have a copy of it in my pocket.

8714. Did you furnish it?—I think Mr. Spooner had it from me.

8715. You have got the Return which was made to Parliament?—Yes.

8716. You see that there is a great diminution in the cases?—Yes.

8717. To what do you ascribe that diminution; to any want of informations against the people, owing to the police not being numerous enough, or to the people being generally better conducted, and less drinking?—Chiefly to the Freehold Land Societies, and the cheap trip trains.

8718. The excursion trains?—The cheap excursion trains.

8719. Which are so much in vogue now with the working classes?—Yes.

8720. Lord *D. Stuart.*] Do you think that the Freehold Land Societies have had a great effect in diminishing the amount of drunkenness?—Yes, I should think they have.

8721. And that they encourage provident habits?—Yes.

8722. *Chairman.*] And you believe that working men put by their earnings for the purpose of becoming owners of those plots of land?—Yes.

8723. It is within your own knowledge that they do?—Yes.

8724. Lord *D. Stuart.*] Do you know instances of persons having been drunkards reforming, and acquiring those freehold plots of land?—No, I cannot mention instances.

8725. But you have no doubt that it happens?—No doubt at all.

8726. *Chairman.*] Are there other influences at work to account for it, if you observe that the conduct of the people is so much better?—Yes.

8727. Such as schools?—Yes.

8728. Is there a mechanics' institute there?—No.

8729. It has been said that they are very much in the habit of attending lectures?—Yes.

8730. Mr. *Barrow.*] Has the number of the police been increased within any recent period?—No.

8731. Does it continue the same as during the period of this Return, or nearly so?—No; when the Government gave the police over to the town, the force was reduced.

8732. What was the number before?—420.

8733. *Chairman.*] In what year did it come into operation?—In 1840.

8734. Mr. *Barrow.*] The alteration took place in 1840?—Yes.

8735. That is before the Return began?—Yes.

8736. *Chairman.*] Do you know what is the difference in the population between 1841 and now?—50,000.

8737. And there were 420 police then?—Yes.

8738. And there are only 327 now?—Yes.

8739. And the people are better conducted now than they were then?—Yes, much better.

8740. You have those concerts there?—At the Town Hall.

8741. Cheap concerts?—Yes.

8742. Do you mean that in the Town Hall they allow the people to come in?—Yes, every Monday, on the payment of 3*d.*

8743. Mr. *Barrow.*] Very good music, at a cheap rate?—Yes; and well attended by the mechanics.

8744. And their conduct is very respectable?—Yes.

8745. It is not only attended by the respectable mechanics, but attended by all grades of the working classes, and their conduct is perfectly decorous and respectful?—Quite so; as at any festival.

8746. *Chairman.*] You do not see any objection to concert rooms being established in Birmingham?—No.

8747. Do you take the same objection that Mr. Smith does to their being connected with the public-houses?—Yes.

8748. Do you think it would be desirable for the magistrates to stipulate with the publicans not to have a concert room?—I do.

8749. Are there many concert rooms in Birmingham?—Three; one opened this last week.

8750. That

8750. That is new of late years?—Yes.
8751. Is there a theatre?—Yes.
8752. Is that well attended?—The pit and gallery are, but the boxes not so well attended.
8753. I think that is a change in Birmingham; the theatre did not use to be attended by the common people?—No.
8754. Mr. *Barrow.*] Have they reduced their prices?—No.
8755. *Chairman.*] There is only one theatre?—Only one.
8756. Have you any place where there are theatrical representations given?—Only at three public-houses.
8757. And that is of recent date?—Yes.
8758. Can you say, from any experience that you have of the character of the people, that there is a growing taste for this sort of representations?—There is a growing taste.
8759. And it is not connected with gross indulgence?—No; far from it.
8760. It is rather as a substitute?—I should say so.
8761. The dog-fighting and bull-baiting, and all those sort of things have diminished?—Diminished a great deal; bull-baiting I have never known a case of, dog-fighting I have.
8762. It used to prevail very much in Birmingham?—Yes.
8763. Is it the practice still for the people to keep dogs?—Yes.

Mr. *R. A. Stephens.*
15 July 1853.

Lunæ, 18° *die Julii*, 1853.

MEMBERS PRESENT.

Mr. Villiers.	Sir J. Pakington.
Mr. W. Brown.	Mr. Gregson.
Mr. Ker Seymer.	Sir G. Goodman.

THE RIGHT HON. C. P. VILLIERS, IN THE CHAIR.

Henry Morris Kemshead, Esq., called in; and Examined.

8764. *Chairman.*] YOU are a Magistrate of the county of Middlesex?—I am.
8765. Did you attend on the licensing day in the month of March last?—Yes.
8766. Do you remember the application of a person of the name of Derby for a licence?—Yes.
8767. Have you seen some evidence that was given by him before this Committee, in which you are referred to?—Yes.
8768. That evidence was forwarded to you?—Yes, by the Committee.
8769. That evidence was sent to you for the purpose of enabling you to state anything you please on that subject; the Committee did not suppose it imputed anything wrong to you, but as your name was mentioned, the evidence was forwarded; what was stated by Derby was, that you particularly opposed his having a licence; do you remember doing so?—I opposed his having a licence for the best of all reasons, that his house was not a proper one; that was one reason; it was never intended for a public-house. I should not have thought it necessary to trouble the Committee by appearing here, notwithstanding reading the evidence, if it solely went to my reason for refusing his licence, because I feel that I stand above any suspicion of that kind, whether amongst the magistrates or amongst my own neighbourhood; but in the evidence which he gives there are certain insinuations which are so mortfying to any independent character, that I was glad indeed to be informed; I was not aware, before this, that my name had been called in question. I am glad to be called here, to put at rest such abominable insinuations as are there put forward by this man.
8770. Allow me, first, to ask you, before you proceed to that, which is not directly stated, whether you did state to Mr. Alderman Wire that he would find you

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you a formidable opponent, inasmuch as you had to guard the interests of the Bishop of London's estate?—Inasmuch as I had never to guard the Bishop of London's estate, it is simply impossible; I know nothing about the Bishop of London's estate any more than having lived at Westbourne for 50 years, and therefore know generally pretty well the neighbourhood, and the property in the neighbourhood.

8771. You do not stand in any official relation to the bishop?—Not the least in the world; I have no more to do with the Bishop of London's estate than any gentleman in this room; I do not even know the parties interested in the estate beyond the Bishop of London himself; all the world knows he is interested in it.

8772. State whether, from your acquaintance with that estate, and the rules and conditions upon which people are allowed to hold under the Bishop, there was any ground of that kind on which you opposed his having a licence; is there any condition that he did not comply with?—The ground of opposition to Derby's licence, so far as I individually was concerned, for I always act individually, I never go in concert with other magistrates, arose in two ways: first, because it militated against my property, and therefore, as a private individual, I had a right to protect myself; secondly, I knew that the house was opened in direct opposition to the original lease granted for that property.

8773. State, first, then how it was you considered, as a private individual, that this house was objectionable to you?—Because I built two houses very near to my own of a costly character, and I took care, before I went into that cost, to inquire of the agent of the Bishop of London if there was any chance of a public-house being there, and I was told distinctly "No;" when this house opened as a beer-shop, I called on the agent of the Bishop of London to endeavour to suppress it; he told me it was under the consideration of the solicitors of the estate whether they should forfeit the lease of the party in consequence of opening this house, and the reason, as far as I have understood, why the lease was not forfeited, was because other houses were in the same lease, and it might have been considered a great hardship to have forfeited the whole of those leases by the infraction of this party; and the Bishop of London, or his solicitors, felt disinclined to put themselves in that position, because they might have been considered to be in a position different from a private individual, inasmuch as a private individual could have reinstated the parties, which, probably, under the trusts of this estate, might have involved some difficulty if the lease had ever been cancelled.

8774. Did you learn from the agent then, that there was a condition in the lease that no beerhouse was to be opened?—That I understood from the agent; in fact, it is a principle laid down, as far as I have understood, on that estate, that no beerhouse is allowed to be opened on any part of the estate.

8775. Did you see the lease?—No, I did not.

8776. You were informed by the agent that this man had not complied with the terms of his agreement, or the terms of the lease upon which he held under the Bishop?—This man was not the original lessee under the Bishop; he is an under lessee; and there are probably two or three between him and the original lessee. I know he is not the original party, therefore I do not know what his lease may be; but I have understood, although I have not seen the lease, and therfeore I can only speak from what was stated to me, that the house had no right to be opened as a beershop; the Bishop positively prohibits beershops being opened on the estate.

8777. There is such a condition in the original lease, you believe?—I presume so; I have been informed so; I have not seen it, therefore only speak from information.

8778. You, as I understand, complained to the agent, after you built your house, that a person had established a beershop in that neighbourhood?—Directly facing them; the nearest house, in fact, to this.

8779. And this person is Derby; and he applies for a licence when you are on the bench, and one of the reasons you assign for not allowing him to have a licence, besides being too near to your own, that you believe it to be an infraction of the original lease?—I told him so; he took the liberty of calling on me some time previously, after he had opened the house as a beershop, when he was anxious for a licence, to support him in his application. I at once told him, that, if only as regarded my private property, he could hardly expect I should support his application. It was quite bad enough to have a beershop, and I could not

not certainly assist him to a licence, knowing, as I did know, that no house of that kind was authorised to be opened by the ground landlord.

8780. These were your objections to his having a licence?—Yes; and the house was not at all adequate; not a proper house. It was ridiculous to think of such a house being opened as a public-house.

8781. It did not offer sufficient accommodation?—Not sufficient accommodation; it is a small house, with six small rooms, and two attics, built for a small private house, at 30 *l.* a year.

8782. You will have observed, by the evidence, that Derby states that some other person applied at the same time, and procured a licence?—Yes.

8783. And that was for a house on the Bishop's estate?—Yes.

8784. You had not the same objection to that person having a licence on that ground that you had to Derby?—No; I will state the general principles on which the ground, as far as my knowledge of the matter goes, is let by the agent of the Bishop of London's estate; it is not let in small patches, but let to a considerable extent, probably two, or three, or four, or five acres, or 10 acres, as the case may be; and part of the arrangement is, that a public-house shall be permitted on that portion granted to that builder.

8785. What do you mean by the arrangement?—The arrangement between the party taking the land and the agent of the Bishop; the builder stipulates that he shall be at liberty to have one public-house.

8786. That he should have a licence?—No; he must endeavour to get that as well as he can; but that as far as the ground landlord is concerned, he shall be at liberty to have a public-house; all ground landlords, I believe, take care to stipulate whether a public-house shall be opened on their property, or whether it shall not; and the other individual who is adverted to, Mr. Scantlebury, had taken a large tract of land on the estate, a very considerable tract of land, and had been building there for several years, and unlike the generality of builders on that and every other estate, I believe, instead of building a public-house, and endeavouring to get a licence for it, in an uninhabited district, which is often the case, Mr. Scantlebury exhausted all the land he had taken, and invested some 200,000 *l.* or 300,000 *l.*, or thereabouts; I have not the figures, but they were sent round to the magistrates when the application was made for the licence; he had laid out on the estate something like 200,000 *l.*, or more, in the erection of large property on the estate, and he came to the magistrates at the very last part of his building arrangement; he erected the public-house almost the very last, and then came to the magistrates and asked for a licence; without any concert with any of the magistrates, Mr. Pownall asked me whether I did not think, under the circumstances, and the way in which he had acted, that it would be right to give him the licence at once; I said, when a man has acted so fairly, as I understood he had done, upon the estate, and acted so differently to what builders generally do, I do not see why we should not give him his licence at once, instead of letting him come another year.

8787. What do you mean by "fairly"?—He had carried out his arrangements with the ground landlord so fairly in covering his ground and erecting all his houses before he built the public-house, and before he came for his licence, that we deemed it right to give him the licence in the first instance, instead of letting him stand for one or two years, as is usually the case when there is no neighbourhood built; all the builders generally build the public-house in the first instance.

8788. This was known to the magistrates, otherwise they have nothing to do with the person taking the land of the Bishop?—Not at all; this was stated at the time he applied for the licence; it was unanimously accorded to him without any concert one with the other; they all agreed that a house was wanted in that situation, and sanctioned by the Bishop's agent having arranged that a public-house was to be built on the land taken by him, that it was fair to grant him the licence at once.

8789. Do I understand that Scantlebury set up as a publican; you have described him as a builder; you now speak of his applying for a licence; was he going to keep the house himself?—He applied for it in his own name; a new house is not generally opened for business for several months after the licence is granted; they have certain arrangements to make; they are some time before they are able to open their house; they do not go into certain expenses, and therefore this house, in common with the others, was some two or three months before it

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it was opened for business; how long I do not recollect; I did not pay any attention to it afterwards.

8790. We only want to know whether Scantlebury appeared as the publican?—He applied for the licence in his own name; we do not inquire in the first instance how he may be going to keep it; that is to be inquired into when the transfer is made.

8791. At first the magistrates do not inquire what the man is going to do with the licence?—No; as long as the individual is a respectable man, we refuse or grant the licence; we granted it in that instance, and subsequently he got an offer for it; I do not know myself, except what I see in this evidence, that he has sold it; I am not aware from any intimation that I have received.

8792. Did you say the house was rated when he applied for the licence?—I am not sure; I believe the publican does get the house rated for the purpose of getting the licence; I do not know what course was taken in that respect.

8793. You do not know whether it was ready for the accommodation of the public?—It was ready, with the exception of the fittings up.

8794. And the stock?—Yes, if they do not get a licence it would be dead property for a considerable time.

8795. In fact, between these two, Derby's house was ready, and Scantlebury's was not ready to accommodate the public?—One was as much ready as the other, because Derby must have made a vast alteration in his house to have converted it into a public-house when he applied for a licence.

8796. It was a beerhouse then?—Yes; he would have had more to do to make it a proper public-house than Scantlebury, because the bar, and all that sort of thing, was up in Scantlebury's; the house was finished, as far as house goes.

8797. Those were the circumstances under which Scantlebury got his licence—Precisely.

8798. There was no inquiry as to whether he was going to open the house himself, or transfer his licence, or what he was going to do with it; but in consequence of the way in which he fulfilled his agreement under the Bishop's estate, he was thought a deserving person, and therefore he received a licence for a public-house?—Precisely.

8799. Did you see anything else in the evidence which you think it important to remark upon; there is one thing, perhaps, I had better ask you, which is, whether you had yourself anything to do with Mr. Scantlebury as a builder?—Mr. Scantlebury, being the nearest builder to my property, some five or six years ago made considerable alterations in the house in which I now reside; I had nothing further to do with him until last November, when, as I had taken a piece of ground, and arranged to build another house, a very good one, close to my own residence which Mr. Scantlebury had altered for me, and given me satisfaction, I made him the offer of building that house, and we came to terms; that is the point on which I wish more particularly to lay some stress, because I see that this man Derby, although he does not distinctly charge me with having obtained a something for a something, does go on to say, or to insinuate, that I obtained a contract from Mr. Scantlebury for the building of this house before Mr. Scantlebury got this licence; as much as to say that Mr. Scantlebury was to build this house in consideration of getting a licence; a more abominable or foul insinuation could perhaps hardly be made against any gentlemen of independent feeling, and I trust I have those independent feelings, and that I am above any such transaction as would appear to be insinuated in that; I thought it right to bring with me the contract which I have entered into with Mr. Scantlebury, which anybody and everybody may see if they please, because I trust I do nothing but what all the world may know.

8800. We do not suppose that you have done anything contrary to the law; you preside there as a magistrate to exercise your discretion in granting those licences; it is for your own satisfaction, if you refer to matters of this kind?—I should not for a moment think of it; but if this happens to go into the hands of persons who do not know me so well as I am known as an inhabitant of Paddington parish, and also as a magistrate, it does give an appearance that there was a sort of collusion in this matter; that it was to get a something for the licence. Now this man says distinctly in his evidence, that I entered into this contract with Mr. Scantlebury previous to his getting the licence; now the licence was granted to him in March 1852.

8801. 1852 or 1853?—March 1852; and if you will look at my contract, you will find it was not entered into until the 5th of October 1852, six months after the licence was granted, the licence having been granted in March 1852. Whatever consideration men may have previously, I do not find them to be very anxious to consider anything after they get what they want; and, therefore, he would not be very anxious to build me a house six months after he had got his licence.

8802. Did Derby apply for this licence in 1853?—He applied for his licence two or three years.

8803. And it was refused again in 1853?—Yes, it was.

8804. Would Derby's house have been near Mr. Scantlebury's?—It would not be very far from it; it is the corner of a square. These are the terms of my contract; after agreeing to all the specifications, he says, on the 5th of October 1852, "Sir, I am hereby willing to build and finish the house to be built at Westbourne, Paddington, according to the drawings and specification, for the sum of 2,250 *l.*" There were subsequent alterations or improvements required, for which he sent me in a further tender of about 140 *l.* or 150 *l.*, making altogether about 2,400 *l.* Now to show, which I am most anxious to do, that I have not even received the smallest consideration from Mr. Scantlebury in this matter, I built the two houses which stand between my own and this public-house, some seven or eight years ago, not by Mr. Scantlebury, but by a different builder altogether, and for those two houses my original contract was 3,600 *l.* for the two, being about 1,800 *l.* for each.

8805. Those two houses were built by another builder for 3,600 *l.*?—Yes; and this one is just a counterpart, except being about two feet larger, and yet for that I am to pay 2,400 *l.* to Mr. Scantlebury. Therefore I think there is no consideration for anything he may have received at my hands, if he considers he received anything; but I hope I am above allowing anybody to consider that they receive anything from me beyond my public duty.

8806. You were not the chairman at the time the licence was granted, and there were several other magistrates on the bench at the time?—I was not the chairman, and there were 15 or 16 magistrates there during the day, I think; and when this matter came on, I think there were 13 or 14 still remaining.

8807. And were those persons attended by their counsel or by their agents?—They generally attend by counsel.

8808. Was Derby represented by Mr. Wire?—I dare say it was Mr. Wire, but I do not recollect at this moment; I had nothing to impress the matter upon my mind.

8809. Did anybody appear for Mr. Scantlebury?—Yes; either Mr. Bodkin or one of those leading men. I do not recollect who it was that appeared for Mr. Scantlebury. With reference to the cost of the building of the house, this man says the house which Mr. Scantlebury has built, that public-house for which he has got the licence, cost about 1,200 *l.* Now, inasmuch as the house I am building is about the same size, for which I am paying 2,400 *l.*, I think I am paying quite enough for my house, if this man is right in his estimation of the cost of the one that Mr. Scantlebury has got his licence for, which he says cost 1,200 *l.*, and which, according to the size, looking at it roughly, I take to be very much about the size he is building for me as a private house. Therefore if I am paying him 2,400 *l.* against 1,200 *l.*, I am paying a very large sum, or this man must be stating that which he does not know to be the fact.

8810. Your meaning is, to conclude from what you have stated, that there is nothing in the nature of your contract with Scantlebury, when it is known, that could justify the statement that he built this house on better terms for you than he would otherwise have done?—That is what I wish to convey.

8811. I think there was another person who applied on that day for a licence, and who succeeded in getting one, named Sewell; your name was also mentioned in connexion with him?—Yes.

8812. Do you remember such a person applying?—Yes.

8813. He is not a publican, I believe, but got a licence?—I do not know whether he was a publican before or not. A man of the name of Sewell had applied some years before for a licence to that house. It was refused, and then there was a collision between the parties who built the Lord Hill, which is near to this one; they both attempted originally to get a house.

8814. I think your name is first mentioned as having opposed him strenuously

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nuously for some years?—Only on one occasion; originally the two houses were applied for together; that is the Lord Hill on the one side of the railway, and this which is now Sewell's, I forget whose it was at the time, built on the other side of the railway. I know perfectly well, from information which I had, that the two parties built the Lord Hill with the intention of applying and endeavouring to get a licence for it. A quarrel arose between them, and then one of them started against the Lord Hill, before it was the Lord Hill, and built this house which Sewell has subsequently applied for a licence for. I thought it an unjust proceeding, and therefore gave the preference to the Lord Hill. If I had studied my own convenience I should have acted just the reverse, for the Lord Hill is nearer to me than the other one, and therefore more objectionable than the other would have been; but I thought that was the just course of proceeding, and I adopted it accordingly.

8815. That was against Sewell?—That was against Sewell; I do not recollect whether it was Sewell who originally applied for the house.

8816. The point is this: it was said that you opposed Sewell strenuously on former occasions, but this year you said you should not offer any further opposition?—The house was applied for originally, as I stated, by two parties; a quarrel ensued between them. I know some of the circumstances, and considered that the justice of the case was in favour of the man who got the Lord Hill; that was the house that was agreed on between them to be built for the purpose of a public-house, and then the quarrel ensued.

8817. Did Sewell apply at this time, and did you withdraw your opposition?—On this occasion Sewell applied; and I said, I care not whether the licence is granted to one or the other; the time is gone by when the original difficulties arose. The magistrates stated to me that they thought the house ought to be licensed; I said I have not the least objection: two or three parties had applied to me that it should be licensed, and I said, "Very well, let it be licensed."

8818. Those were the reasons why you allowed it, and not that he carried on another business of a house decorator, and was not really a publican?—Not at all.

8819. Did you know the fact that he was a house decorator?—I did not; the house was opened with paper hangings, and various other matters, and then they stopped that, because it did not answer; they made considerable alterations, so as to make it a very efficient public-house, or hotel; and I believe it is very efficient for the purpose.

8820. There was no objection raised before you to Sewell having a licence?—No.

8821. Was it on the Bishop of London's estate?—No.

8822. Mr. *Gregson.*] Had many new houses been built on the other side of the road in the meantime?—Yes, some hundreds. When I originally opposed this licence to Sewell, there was not another house on that property; that is, all the houses that were built were on the Lord Hill side of the railway, and therefore it was I thought the justice of the case demanded that that house should have the licence. I should very much have preferred that Sewell's house had been licensed originally; it would have been very much better for me, individually speaking, than the other one; but since that, which is some years ago now, I suppose there are at least 200 houses built.

8823. *Chairman.*] This Sewell's house is not very far from Derby's?—Yes, it is a very considerable distance from Derby's; there is the Lord Hill between it and Derby's; there is another public-house between Derby's and Sewell's; the Lord Hill stands between them.

8824. Could you inform the Committee what was the advantage that Scantlebury had in getting the licence; what difference in value it made to the house so licensed?—I am quite unable to say.

8825. That was one of the things alleged here?—I never trouble myself, after a licence is granted, to make any inquiry what is the value of the property licensed, or what the parties make out of these things; and I did not know, till I read this evidence, that Scantlebury had sold the house.

8826. You only know that from the evidence?—I have not attended on the transfer days, I have so many other claims on my time as a magistrate.

8827. But you do attend the licensing day?—Yes.

8828. But you have not time to attend on the transfer days?—No, the licence is granted, and it is simply a question after, whether the party who is the buyer is a proper

proper party to take the licence from the man who wants to sell; it is a mere question as to the character of the individual.

8829. You know nothing of Scantlebury now, as to whether he keeps the public-house, or whether he transferred it to another person, or what is become of him?—I know Scantlebury, because he is still building extensively in the neighbourhood.

8830. Then you know, in fact, that he is not a publican, and does not keep that house?—He does not.

8831. He transferred it?—I have no doubt that he has transferred it; I thought when he applied for it he was going to put his son-in-law in.

8832. Mr. *W. Brown.*] Was the house inhabited before the licence was granted?—No it was not. I am very sorry Mr. Fitzroy, whom I act with in many committees of magistrates, is not here; I should have been glad if he had been here. Then this Mr. Derby is asked a question.

8833. *Chairman.*] State the number of the question you are referring to?—"2486. Was there any discussion upon the subject of your licence?—No more than when Mr. Alderman Wire got up to make the application, he told the gentlemen that there was no opposition, and that the memorial was very numerously signed by a number of the inhabitants, and likewise by the clergyman." Now, I will venture to say that was not signed by the clergyman. I do not mean to say that a clergyman's signature was not to it, but the signature of the clergyman of the parish is not there.

8834. You have looked at the memorial, and you find that the name of the clergyman of the parish is not there?—I have not looked at it, but I will undertake to say that it is not there; I am quite sure it is not there.

8835. You have not looked at it yourself?—No, nor have I made inquiry; but I will undertake to say that the minister, or the gentlemen we call the clergyman of our parish, has not put his signature to it.

8836. What parish is this?—Paddington.

8837. Is there only one clergyman?—Several; I should say a dozen. I mean that no clergyman connected with any of our churches has signed it.

8838. You do not mean to say that some clergyman not resident in that parish had signed it?—No; but it is meant to show that the clergyman of the district had signed the memorial. I will venture to say that is not the case. He says, in question 2489, where the question is asked, "No person upon the bench supported your application?—No; I think the general feeling would be, that when Mr. Kemshead speaks, nobody else is allowed to say anything." Anything more preposterous I never heard. I am very happy to say that I am held in very good estimation by my brother magistrates. I should be very sorry that such an insinuation or such an idea should get abroad, that I have influence to prevent them saying anything. So far from it in this case, that I have no hesitation in making oath that I never asked a fellow magistrate whether he was going to vote for Derby or whether he was not; but the chairman had previously said to me, when this man first applied, "I have been to look at a house in your neighbourhood, a beerhouse, kept by a man named Derby, and anything more improper for a public-house I never saw." That was the chairman's own statement, Mr. Whiskin.

8839. You are in the habit of attending very regularly, and the other magistrates are not, and they defer to your judgment?—A great many of them attend very regularly, but they do defer to a certain extent, because I am the oldest resident. I have resided on the spot where I now reside for 50 years, therefore they are kind enough to defer to a certain extent to me. The man goes on to say, in answer to question 2505, "Did Mr. Kemshead make any complaint of the conduct of your house?—Not the slightest; I went over and saw him two days before the licensing day; he said that if I could get Mr. Gutch's sanction, then he would not oppose it; but of course I could not expect to get a sanction from Mr. Gutch, when he knew that Mr. Kemshead was against it." Why, I have no more to do with Mr. Gutch approving or disapproving than any one gentleman here has. I never asked whether they approved or disapproved; I acted on my own judgment.

8840. The case is, that other people ask whether you approve?—Then it is simply said in one question here, as to getting the vestrymen to sign, which was question 2482, asked by Mr. Gregson, "Is not your house so near Mr. Kemshead's private residence, that he considers it a nuisance?—It is not so close as that; his house lies back in the garden; it is hidden from my house by other houses" (*the*

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Witness pointed out the situation of the house upon the plan). Now the houses between my residence and this beerhouse are my own houses, a fact well known to Derby, though he does not say so, therefore I need not tell the Committee, as these are my own houses, the detriment caused to them by his opening it as a beershop, and therefore what it would be as a public-house. There is one very important matter to which I should like to allude, although it is not interesting to me, but as my name was mentioned, I will just refer to it; it is the statement that no public-house is granted upon the Bishop's estate except a premium be paid, and that is the great ground which he states in his evidence why I was objecting to his licence, because I knew the premium had not been paid.

8841. What is the meaning of a premium; do you mean that a premium is paid to the Bishop if any house is converted into a public-house?—Yes; that is what he says.

8842. Do you know that that was the case?—It is at question 2451: "What is the reason of his opposing you?—The reason is, that when he got upon the bench, Alderman Wire appeared for me, and he told Mr. Alderman Wire that he would find a very formidable opponent in him; that he was there to guard the interests of the Bishop of London's estate." Then the next question is, "Do you know what he meant?—I cannot say what he meant by that; I believe there is a heavy premium paid by all houses that are marked out for licences, and mine was not. I took mine on an agreement for a lease for 21 years; I took up a lease which had no restrictions in it; the business I was doing did not pay me; I was losing all I had got, and it was suggested to me to open it in the beer line; I did so, and I found it answered well," he did not say what damage he was doing to the neighbourhood, but he looks to himself alone, "and for that reason I continued; but Mr. Kemshead said that I had no business to open it as a beer-house, as I had not got the privilege from the estate, and had not paid the premium." Question 2453 is, "The premium goes to the Bishop?—It goes to the Bishop of London's estate." That ought to be very strongly contradicted, because anything more abominable than to state that the Bishop of London and his estate makes such an agreement I cannot conceive. I have no hesitation in saying, although I have nothing to do with the Bishop of London's estate, but from my common knowledge of matters, I can say that no such thing has ever been heard of.

8843. I should suppose that the Bishop wishes to deter those houses from being converted into public-houses, and requires a large premium, but that is not the case?—Certainly not; I distinctly deny it.

8844. Mr. *K. Seymer.*] He secures that by his lease?—Of course; public-houses are necessary in certain neighbourhoods; when the agents of the Bishop of London grant a lease of 5, 10 or 12 acres, there is a certain understanding come to that they are to have one or two public-houses, as the case may be, but as to any premium, there is nothing whatever of that kind. If you had the Bishop's agent here to ask him about it, he would deny in the most positive terms that ever a shilling was thought of.

8845. *Chairman.*] You know enough yourself of the management of the estate to contradict that?—Quite enough to contradict it, at all events. I may state, for the information of the Committee, that which I have already stated, that the agent grants permission for the erection of a public-house to builders taking a large plot of ground and investing a large amount of money. This man never spent *5 s.* on the Bishop of London's estate; he took this lease and opened it as a grocer's shop, and finding it not to answer he turned it into a beershop, and having done so without having expended 5 *s.* on the estate, he then wants this public-house, for which he says Mr. Scantlebury got 2,000 *l.* premium, and he thought by this act to get 2,000 *l.* in the same way. In answer to question 2477, which is, "Did any of the vestrymen sign it?" he says, "I went to several, but it was quite out of the question to expect them to sign it, because they are so interested with Mr. Kemshead. I am certain that unless the licensing system is altered, I shall never get a licence to my house." Now I have no more to do with the vestrymen not signing for the licence than any gentleman here; he has no claim whatever for a licence, and I dare say they did not sign this because they thought it an improper licence.

8846. Do you belong to the vestry?—Yes; as a magistrate, I am an *ex officio* member.

8847. And you attend pretty regularly?—Yes, I attend regularly.

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8848. *Chairman.*] HAS a copy of the evidence given by a person of the name of Henry Croft been sent to you?—Yes.

8849. He referred to a meeting of the magistrates for the purpose of licensing houses; I think that took place this year, in the month of March?—No, last year; the license is in August.

8850. Do you remember his application?—Yes.

8851. You were the chairman of the magistrates?—No; I am the chairman of the bench at Hurst Green, but on the licensing day I always withdraw; the magistrates' clerk provides other gentlemen for the purpose of licensing.

8852. You do not attend, then, on the licensing day?—I attend the bench, because there are other matters of business to be done, but the moment the licensing commences, I withdraw.

8853. You do not attend on the licensing day?—Occasionally; sometimes I am not at home.

8854. Do you remember this person, Henry Croft, applying for a licence?—Yes, very well.

8855. Do you remember his applying for several years together?—Yes.

8856. And that he was refused on each occasion?—Yes.

8857. You have seen the evidence in which he states that nobody opposed him but yourself?—I beg to say that I never did anything of the sort; I always made it particularly my business to withdraw when there was any licensing going forward.

8858. Then do we understand you that you never did interfere to oppose this man?—Never, in the least.

8859. Then he goes on to state that a person who applied for his licence at the same time as himself, and was more fortunate, was a tenant of your own; state to the Committee if that is correctly stated?—He states here, in 2557, that in the years 1849 and 1850 a person applied for a licence, being a tenant of mine; but that must be an error on his part, because the only tenant of mine who has obtained a licence was in 1847; that was the last.

8860. The only tenant of yours who ever obtained a licence was in that year?—I do not say the only tenant. I say the last tenant of mine who obtained a licence was in 1847; but that was in another parish, the parish where Mr. Crofts resides, being a mile and a half from his residence.

8861. Croft's applications began in 1847?—Mr. Croft's first application was in 1846; his second application was in 1847.

8862. And you say it is a mile from the place where your tenant is?—Yes; I think it is a mile and a half, in another parish. I should not have thought it could have been at all detrimental to him.

8863. He did apply in that year and was refused, and your tenant, residing in a parish a mile and a half distant, did apply also, but he did get a licence?—Yes; that is correct.

8864. Then where you refer to his being incorrect, is where he says in the year 1849 and 1850?—Yes; no tenant of mine obtained a licence, except in the year 1847.

8865. Did you say that no tenant of yours applied in 1849 and 1850?—No tenant of mine applied in 1849 and 1850.

8866. So far it is incorrect?—Yes; I consider that his evidence, as first stated, might be considered a little beyond the mark, but under the cross-examination he seemed to me to unsay everything he said before. But on my receiving this printed paper from the Committee I considered it my duty to wait on you gentlemen, in order to answer any questions you might think proper to put to me.

8867. Did that man leave the house who got the licence in 1847?—Yes; another person keeps it; he left the house to take a grocer's shop immediately adjoining it; it is near the railway.

8868. Your tenant left the house; he got a licence, and does not keep it at present?—No; it was transferred.

8869. That is what he says?—That is quite true.

8870. Then we go to his next examination, and he again repeats that at the time he applied for a licence your tenant did so also?—That must be a mistake.

8871. Then he is asked in what year; he says, "I cannot tell exactly the year;"

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he says he thinks it was about three years ago?—1847 was the year the licence was granted.

8872. Is he incorrect in any other respect?—I do not know that he is.

8873. He is asked how many licensed houses you have in Hurst; I think he replies "four;" is that correct?—Yes; I have five altogether; but he alludes to his own parish, I suppose.

8874. Hurst Green?—Salehurst is the parish.

8875. He says, "In the parish I live in, Sir Peckham Micklethwait has four licensed houses;" is that so?—That is so.

8876. And you state that no tenant of yours has received a licence since 1487?—No; that is the case, and not in that parish; another parish.

8877. In a parish adjoining?—Yes.

8878. What is the last time?—At Etchingham the house was licenced; it is close to the railway station.

8879. No tenant of yours obtained a licence in any parish after 1847?—No.

8880. In no parish?—No; in no parish.

8881. Could you state to the Committee why it is this man has never been able to procure a licence?—Mr. Croft's house is immediately abutting on the turnpike-road, near the turnpike-gate.

8882. You think all the other houses are less objectionable than his?—There is space around the other houses for travellers to stop; this contracts the road, and you can hardly pass.

8883. Was that the ground on which you opposed his having a licence?—I never did oppose the licence.

8884. He says at the end, "When I said Sir Peckham Micklethwait opposed me personally, of course he did, or I would not have said so"?—No; I never opposed him; he wanted to hire a public-house of mine, and I should have had no objection to letting him have it; but some of the same family who had taken it before, took it again.

8885. He had wanted to hire a house of yours, and you did not want to take him as a tenant?—No; I would have taken him; he wanted to hire a house of Lord Ashburnham's. I have nothing to say against the man.

8886. Is he a tenant of yours for 12 acres of land?—Yes, he is.

8887. But the house he occupies is not your property?—No; it is not.

8888. It is the fact, that you have never interfered with the licensing?—I invariably withdrew from the bench before the licences of my houses, or applications for fresh licences for houses, were taken into consideration.

8889. You do not say that you have not communicated with the magistrates who did license?—Never; I have been very particular in not doing it. I never communicate or ask a question on the subject; indeed, our magistrates are so particular on that point, that if I had opened my mouth, they would have immediately requested me to be silent.

8890. Sir *J. Pakington.*] What is your own motive for retiring when the licensing commences?—The clerk of the magistrates always announced it as the correct way, that the persons interested in any matter should have no voice in it.

8891. Then you abstain from taking part in the licensing on account of the extent of your own property around, that you were generally more or less concerned?—No; I do not know that that was my reason; only a general reason, that persons who are interested in having houses of their own should not interfere with others; that was my motive always.

8892. Because you have several of your tenants keeping public-houses?—Yes.

8893. I understand you to say distinctly, that neither in 1849 or 1850 did any tenant of yours apply for a licence?—Certainly not.

8894. And although this man has several times been refused, you have not refused him, nor have you influenced the other gentlemen?—No; certainly not.

8895. *Chairman.*] Do the magistrates, then, consider that when there are a certain number of public-houses established, they ought to protect the property?—They certainly consider that where there are a certain number of houses, if they think there are sufficient for the accommodation of the public, to license more would be injurious to the parish. I think they take that into consideration.

8896. But they do not think of taking into consideration that persons have invested their capital in particular houses, and that they ought not to license other houses to come into competition with them?—I do not think they would; I think they look more to the welfare of the public in preventing tippling, not to license

license so many houses; it might lead to that in order to obtain a sufficient trade.

8897. What is the population of Hurst Green?—It is a hamlet of Salehurst; I should say perhaps 200 people; not more, I should think.

8898. Do you know how many beerhouses there are?—There is the beerhouse that Croft keeps, and the two public-houses.

8899. I thought there were four?—Not at Hurst Green; that is a hamlet of Salehurst. In Salehurst there are more.

Mr. *John Pargeter*, called in; and further Examined.

8900. *Chairman.*] YOU are aware that Mr. France has shown that you were incorrect in several things that you stated, and that it turns out that you had not more signatures to your memorial than the person who applied at the same time; that you had not been longer resident in the place than he had, and that the brother of the magistrate was not the ground landlord of the property on which the house of the person who obtained the licence stood; all those things have been contradicted: your statement originally to the Committee was, that your signatures were very much more numerous than Haines's, that you had resided longer in the place, and that the magistrate who was on the bench was the brother of the ground landlord of Haines who got the licence; now, all that has been contradicted: you have heard of that, and you have come to the Committee to make some statement?—I have. I have brought a witness to prove that what I stated with regard to the ground landlord being the magistrate's brother is the fact.

8901. What is the fact about the memorial; do you know what the numbers were to your own memorial?—I do not. I only understood it from what the clerk said; I never counted them to see if my petition was full; I had a sheet of paper attached to it, with three sides filled with signatures.

8902. Had you been a longer resident than Haines?—I had, decidedly.

8903. How long?—I should say more than two years; I should say nearer three years.

8904. Do you still contend that your house was more commodious?—I do.

8905. You say it is at this moment; if any person was to examine it, it would be found more commodious than Haines's?—I do.

8906. Do you persist in saying that no objection was offered to you in point of character?—I do.

8907. Now, it turns out that Mr. France's brother has nothing whatever to do with the property on which Mr. Haines's house stood, and you stated to the Committee that he was the ground landlord; do you admit that you were incorrect in making that statement?—At the time I had every reason to believe that it was the case, and I have a witness here who could prove it was the case, and that Mr. France's brother was the ground landlord.

8908. Do you persevere in saying that Mr. France has an interest in the ground, or is the ground landlord of that ground on which Mr. Haines's house stands?—I do.

8909. Do you mean to say he is the freeholder?—No; he is the leaseholder, I should say.

8910. Who is the freeholder; is it a person named Jenkins?—Yes, or some of his family; Mr. Kennard Jenkins is dead; but some part of the family.

8911. Did he hold the lease under Mr. Jenkins, or who held it under Mr. Jenkins; Mr. Jenkins, you say, is the freeholder?—Yes.

8912. He lets it to somebody?—Mr. Thomas France held the lease under Mr. Jenkins.

8913. Do you mean that he is in possession of the lease?—Yes.

8914. What has Mr. Haines to do with Mr. France; has the ground been underlet to Haines?—I should say it has.

8915. Do you know that it has; do you know that there is any connexion at all between Mr. France and Mr. Haines?—No; I do not.

8916. Are you talking of the same ground; because you say that Mr. France holds a lease of this ground?—Of this ground.

8917. This ground is the ground on which Haines's house stands?—It is, and there are other houses on the same ground.

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8918. Is there any connexion between the person who occupies the house and the person who has the lease of the ground?—That I cannot say.

8919. Do you remember why it was you told the Committee anything about Mr. France having an interest in the ground?—From the supposition of his brother being the leaseholder of the property.

8920. How would Haines's getting the licence benefit him?—He must have had it from an under-lease; I do not know whether it is from him or a person of the name of Kempson. Perhaps you will he kind enough to hear my witness, whom I have brought here; he will put the Committee better in possession of it than I can.

8921. Has he any connexion with the property?—Not now; he was the first who took a lease of the property from Mr. France; he took the lease from him. I went to the agents, Budd & Hayes, on Friday, and they showed us the book with Mr. France's name in it, and he pays the ground-rent.

8922. Have you seen what Mr. France has stated to the Committee?—I have.

8923. Is there anything else you wish to remark on what he has said?—No.

Mr. *Thomas Beck*, called in; and Examined.

Mr. *T. Beck.*

8924. *Chairman.*] DO you know the ground on which Haines's house stands?—Yes.

8925. Who is the freeholder of that land?—Mr. Kennard Jenkins was; he is dead.

8926. Did he grant a lease of that ground to anybody?—To me.

8927. For a long term?—Forty years.

8928. How much is unexpired of that term?—I should think about 25 years; perhaps a little more; I would not be positive.

8929. Do you hold the lease yourself?—No.

8930. What have you done with it; have you assigned it?—I placed it in Mr. France's hands, the timber-merchant.

8931. And Mr. France holds the lease now?—He does.

8932. Do you mean that he is the lessee, or does he hold it as security?—He holds it as security.

8933. Who holds under him?—I believe a gentleman of the name of Empson has the lease under him.

8934. Sir *J. Pakington.*] You say he holds it as security: security for what?—I was in difficulties; I could explain to you——

8935. Security for money advanced to you?—Yes.

8936. Are you still in his debt?—Yes.

8937. If you could pay that debt, you would resume your lease?—Yes, I suppose so.

8938. What are you?—I am a farrier.

8939. *Chairman.*] Do you know the fact that Empson holds under Mr. France, he being the person in possession of the lease?—Yes.

8940. And that Mr. France has made a lease to Mr. Empson?—Yes, I believe so.

8941. What has he done; has he let the ground for a public-house?—The house was built by a carpenter of the name of Nye, in Praed-street.

8942. Somebody whom Empson was connected with?—Yes; he lent me money to go on with the building, and then claimed the house after the death of this man.

8943. Is there any connexion between Empson and Mr. France?—I believe they are relatives; I know they are very closely connected; I lived next door to Mr. France for 14 years; I was in business in Wharf-road, adjoining his wharf.

8944. Is any additional value given to the lease of the ground from the circumstance of Haines having the licence?—A great deal; the property must be wonderfully improved.

8945. The lease of the ground had nothing to do with the house built on it?—Nothing whatever; I built four houses myself on it.

8946. Mr. Empson pays Mr. France for the ground?—Yes.

8947. Then he built on the ground?—I do not believe Empson did.

8948. Then he gets somebody to build?—Yes.

8949. He does not pay more rent to Mr. France because of the house?—I am not aware of that.

8950. You

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8950. You do not know the precise connexion between Empson and the person who occupies the house under Mr. France?—I do not, except that I know they have been very intimate for years.

8951. You have nothing more to state as to the connexion between Mr. France and Mr. Haines?—Nothing else. I know nothing of their business. I know enough of Mr. Pargeter's and my own.

Mr. *Thomas Warlters*, called in; and Examined.

Mr. *T. Warlters.*

8952. *Chairman.*] ARE you an auctioneer and appraiser, living in London?—Yes.

8953. And have had considerable experience in negotiating the sale of public-houses?—I have.

8954. You are in the habit of ascertaining the value of public-houses with regard to premiums given for the good-will?—We buy and sell a great many for our customers. I have been in the trade some 50 years, or more than that; of late years we buy and sell as many public-houses as amounts to 250,000*l.* per annum. I have a list in my pocket which will show what was bought last year, if you wish to see it.

8955. Is it part of the consideration that something should be paid for the good-will of the house?—Assuredly.

8956. Now, how is it that you estimate the good-will; what proof do you require to be given, and what do you show in selling a house, with respect to the good-will?—We generally ascertain the trade that the house does, and the situation of it to command a trade.

8957. That is estimated by the quantity of liquor sold and the business done?—The general trade of the house.

8958. The person makes a return of the quantity of liquor sold?—As most of those houses that are doing much business have a regular weekly return, we ascertain what the monthly return is, and then we prove that by their payments to their tradesmen, to ascertain that that is the fact, and we value the house accordingly.

8959. Is there any reference made to the renewal of the licence?—No person will buy a house, to give a large sum for it, unless a licence was attached to it with a good character.

8960. You inquire into it?—Assuredly.

8961. Is there any reference to the rules observed by the magistrates in the neighbourhood?—The magistrates are very strict, and it is very right that they should be.

8962. They vary, do they not; and do you always state what is the case in that respect when you refer to the trade of the house?—If there is a complaint against the house no person will buy it; I should not allow a man to buy it. If a house bears a good character, and is doing a good business, we give a price accordingly.

8963. Is it your habit to refer to the prospect of competition, and the prospect of more houses being licensed, or the contrary?—Generally, the situation of the house is one material point, and the other is the business that it does, that we look at; we do not expect, if a house has been standing in one situation many years, that another is going to be started immediately against it.

8964. Is that the only consideration that you give that matter, whether it is likely that another man will set up a public-house, or do you consider whether the magistrates are favourable to giving licences, or the contrary?—We always find that if a man conducts himself well, and conducts his house well to the satisfaction of the magistrates, that he is not opposed.

8965. His licence is renewed, but he is protected against competition, from a new house being licensed?—It is possible in new neighbourhoods other houses are built near him which obtain licences, but in an old neighbourhood it is very rare that another house is licensed.

8966. Would it make a material difference in the good-will whether there was likely to be a house licensed or not in the immediate neighbourhood of the house you were selling?—If we saw that there was another house building, or preparing to be licensed, with the probability of getting a licence, we should recommend the man not to take the house.

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8967. Do you ever sell houses before they have begun business, with the prospect of getting a licence, before they have actually set up as public-houses, and where they are intended to get a licence?—Houses are sometimes bought that have been built, contemplating getting a licence; then it is only the value of the house, with some little addition for the probability.

8968. It never forms any item in your notice of the premises that they will get a licence?—It cannot command a licence; therefore we cannot value it.

8969. You are aware, no doubt, of the great difference there is between the value of a house before and after it gets a licence?—No doubt.

8970. You do not ever sell a house that is to be used as a public-house before it gets a licence?—Yes, I have sold houses for the builders that have been built, contemplating that it would be a public-house, because there was one wanted in the neighbourhood, and the inhabitants living around it were petitioning and assisting the builder to get a licence for their accommodation.

8971. And upon those occasions have you noticed, when you have sold it, that this house was likely to get a licence?—We have.

8972. If you had not been able to mention that probability, it would have made a great difference in the value?—The man must make use of his own judgment.

8973. I am asking your judgment on the matter?—We should certainly say as sellers, that there is every probability of this house obtaining a licence, and that one was wanted in the neighbourhood.

8974. We want to know about the value; when you can state there is every probability, in consequence of its being wanted, that it will get a licence, do not you fix a higher value in consequence?—Auctioneers find out everything to say in favour of the property they have to sell which may be considered fair; but we do not go so far as to say they will obtain a licence. They must use their own judgment on that point. There are some men who could obtain a licence where others could not; men of good charaeter and respectability.

8975. That is another question; we want to know when you feel that sort of certainty that you have just mentioned of a person getting a licence, whether you do not immediately mention it, and whether you do not expect that the house will sell for so much more in consequence?—If the builder was to apply to me to sell his house which he had built for a public-house, which is continually the case in new neighbourhoods, I should ask him, "What probability have you of a licence?" His answer would be, possibly, that all the neighbourhood will support me; they will petition for me. I should say that will not command it. He would say, "No, but as the neighbourhood wants the house, and the situation is requisite for a public-house, I think it will obtain it." That is what I should say to the purchaser, and nothing more.

8976. And you have not any doubt that that would make at once a difference in the value?—The man would calculate and make use of his own judgment, and advise with his friends on it, and what probability there was of his getting a licence.

8977. Now the premiums that are paid for the good-will vary very much, do they not?—From 100 *l.* to 20,000 *l.*; I have bought a house at 20,000 *l.*

8978. And that chiefly for the good-will?—For the lease and the good-will.

8979. And that good-will has reference to the extent of the custom, and the absence of competition?—And the trade carried on.

8980. In these cases have the houses generally belonged to the publicans themselves, or to the persons under whom they hold them?—The house that I bought for 20,000 *l.* belonged to the builder.

8981. Do you mean to say that it was the builder who was to get that sum for the good-will?—It was sold by auction, and the builder did get that sum; it was paid to him.

8982. Who had carried on the business there before?—It was carried on by a person who was his tenant.

8983. And who had obtained the licence?—The licence was obtained originally by the builder.

8984. Not for the builder himself?—He never carried on business; he obtained the licence, and placed this person in it, who gave him a certain rental for it.

8985. Sir *J. Pakington.*] Do you know what the first cost of that house was?—I should have no hesitation in telling you the house; I believe the man who built it said it cost him more money.

8986. When

8986. More than the 20,000 *l.*?—Yes.

8987. Is it a very large house?—It is a very large house; it is the Swindon Station, the hotel and public-house there.

8988. Then you do not attribute the high price of 20,000 *l.* to the extent of the business that was carried on there?—No.

8989. Not so much to the good-will as to the actual value of the house?—But for the business no person would have given half the money for it.

8990. *Chairman.*] Who is it that gets the benefit of this good-will, generally speaking; is it the person who actually occupies the premises, or somebody else?—It is generally the man who carries on the business in the house, for his exertions and industry in obtaining a trade to the house. When he has acquired a considerable trade to the house, sometimes he brings it into the market; he may wish to move elsewhere, or may be in a state of ill-health, and then he applies to us to sell it.

8991. Is it within your experience that in those houses you sell, and for which you get these large premiums for good-will, that they belong to publicans being the occupants of the houses themselves?—Generally.

8992. And they not even hold the premises under a landlord, but they own them?—They hold them on lease generally, or principally so.

8993. They are generally persons to whom the original licence has been given, or to whom the licence has been transferred?—Generally they pass from one victualler to another; one man succeeds another. He may live there eight or ten years, and then he may wish to change, or go into the country; he then sells, and another man takes it, and then the licence is transferred. But no man can take a public-house unless his character is good.

8994. Now is it part of your business to be present at the change of the outcoming and incoming tenant?—It is.

8995. Do you ascertain the character or the property of the persons who come in as tenants?—When I am the seller of property, and a man comes to buy, I inquire whether he is a proper man, and whether his character will bear investigation. If we find it will not, we say that "it will not suit you, you had better not have it."

8996. Do you mean his character as a man of property?—If he is a man of property and fair character, there is no difficulty. He will not be accepted by the magistrates unless he is a man of good character; therefore we would not be troubled with him in selling him the house.

8997. Therefore if he has property, and in other respects does not satisfy you, that is, with respect to his character, he is rejected as an incoming tenant?—A man is soon known; and if we know that he will be objected to by the magistrates, we say the house will not suit you. It is soon known what he is.

8998. Do you object to a purchaser being the transferee of a licence if he has had a beerhouse?—A beerhouse is the last resource of a man. He goes there when he can get nothing else.

8999. Do I understand you to say that these are perfectly independent men that you negotiate for, and that you know of no third persons, and that one publican transfers his premises to another publican?—They are always persons that are known. They are known either to the trade, or to the brewer and distiller, or some person connected with them; and we ask them the question, if we do not know them ourselves, but we mostly do; we ask the question, "Is he the right sort of person?" and if the answer is favourable, then we can have no objection.

9000. You get to know both of them from the brewers and distillers?—Yes; and various other quarters.

9001. What does the brewer and distiller know of anybody who is put in; does he come originally recommended by them?—If a house is to be let, and it is known in the market that such a house is to be let, and a sum is wanted for it, various persons apply; and no doubt the different brewers have got customers looking out for houses, and those customers apply to us, or to the man who is selling, to take it of him; and then from their conversation we find out who and what they are presently; and if we make the inquiry and find out that he is a satisfactory man, there is no objection to it. We have nothing to do with what brewer he goes to; that is his own business.

9002. What is precisely the course of your business; you are apprised of some house that is to be sold, and you advertise it?—No; persons apply to us to buy and sell for them.

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9003. When people apply to you, is it the man who is to take the house, or is it the collector of the brewer or the distiller?—The man who comes to take the house; the house is to be let, and the parties apply about it. The first question we ask is his name, and so on. When we find that he is a respectable man the matter goes on. The object is not to take other than a respectable man, because the publican who wishes to dispose of his house and his licence will not have his name called in question by taking a bad man before the magistrates to be accepted.

9004. Now who are the persons whom you prefer; are they persons who come recommended by brewers, or persons who refer to brewers for their respectability?—Sometimes it is neither one nor the other, sometimes it is the distiller; persons who have kept a house are known, or perhaps they come from some country town.

9005. Are they persons generally connected with some wholesale dealer?—More or less they are.

9006. And you would give a preference to persons having that sort of connexion, as being more respectable?—We should.

9007. You would consider them more certain of continuing their licence, being better known as persons of property?—We consider that a house of respectability would not recommend a man with a doubtful character.

9008. Is it within your experience that the transfers are very frequent?—Of some houses they are, but generally they are not. A man lives in a house sometimes nine, 10, 11, or 12 years. Sometimes a man lives in a house, and his son succeeds him.

9009. When a transfer takes place you are aware of it?—Yes, generally.

9010. It is upon those occasions that you negotiate?—They come to us to buy or sell; generally a man says, "I have made up my mind to leave the house, and I wish you to send me a customer for it." Then he asks our opinion what he ought to have, and so on.

9011. Do you sometimes find customers for these people?—We do, every day.

9012. Where do you look for customers for these people?—They apply to us for the houses.

9013. What is the greatest number of transfers that you have known take place of one house in a year?—Of the entirety of London?

9014. You state that of some houses the transfers are very frequent; what is the greatest number in the course of a year that you have known, of one house?—I have hardly known one house transferred twice in the year; there are such cases, but not very often, I think.

9015. Do you find that a first transfer is very shortly after the licence has been given?—No, I do not; a man who buys a house of a builder generally goes there for the purpose of living and staying in it. In the new neighbourhoods, Marylebone, St. Pancras, Islington, Lambeth, and others where there are fresh buildings going on, and where it is requisite to have public-houses, to supply the inhabitants, we find that the tenants of the houses very seldom change, comparatively.

9016. Do you know anything of the sort of connexion that exists between the brewer and the publicans as regards property?—I know this, that an honest and industrious man, that a brewer has a good opinion of, does not stand still for money. A brewer will supply him with any reasonable sum to take a house.

9017. That is when he first comes to you?—Yes, what he wants, what is necessary; but that depends on his character.

9018. What is the security that he gives the brewer?—The brewer holds the lease of the house.

9019. The first thing is that the man gets a lease?—If a man gives 4,000 *l.* or 3,000 *l.* or 2,000 *l.*, the brewer assists him with such money as he wants, holding the lease as a collateral security.

9020. He paying so much for interest?—Yes; five per cent.

9021. Mr. *Gregson.*] The brewer advances him only a portion of it?—Such portion as he thinks proper.

9022. *Chairman.*] And that varies with the necessities of the man?—It depends on the man, whether the brewer has confidence in the man; whether he is an honest man, and will work.

9023. But

9023. But the proportion of the whole sum varies?—According to circumstances.

9024. Sometimes they advance the whole sum?—Nearly so; I have known that done; I have known them to advance 6,000*l.* to go into a house, and the man has paid them off in two years from the profits of his business. I told him to settle with them, and put all his surplus money into their hands; he did that till they got 5,000*l.*, and then they would not take any more; they would not allow him five per cent. on more; they said, as far as they had lent the man the money originally, he had a just claim on them to allow him five per cent. as he had put it into their hands; but they would not go beyond that.

9025. What are the other terms which the brewers make with the publicans?—No other whatever; a publican can pay them off any day he pleases, and go to another brewer if he thinks proper.

9026. Then the houses belong to the brewers?—Not to the principal brewers; but some of the small brewers have houses.

9027. Do you not make a difference in the rent paid when he deals with the brewer?—In making large loans to publicans, which the large brewers do, they have occasional failures, then the lease drops into their hands; perhaps it has cost the money they have lent, and if they can sell it, which in many instances I have known them do, they get their money back; but perhaps they cannot get the money they have lent, and then they let the house at a rental.

9028. And then that rent varies according to the tenant taking the beer of them or not?—It varies; and if the brewer has a lease drop to him on which he has lent 4,000*l.* or 5,000*l.*, if he has got the rent in addition to that to pay the landlord, he calculates the interest of his money, and adds that to the rent; if the men will pay him the interest and the original rent, I do not find generally they exact more from them.

9029. This is the particulars of a house which you have advertised, and I find here it is held on a lease for a term of which 24 years were unexpired at Michaelmas, at a rent of 100*l.* a year, and in case the tenant in possession should cease to deal with Messrs. Calvert & Co. for beer, that a further rent of 50*l.* a year shall be paid?—That is not an unusual thing with the great brewers; they let the lease of a house to a man, and say, "Well, this house cost us more money, but we will let it you, and while you deal with us we shall only charge such a rent, but if you go elsewhere we shall charge you such a rent."

9030. That is not unusual?—It is not unusual. Calvert's is almost the only house that has done it; but I have known others do it.

9031. You do not know any other conditions that are imposed on the tenants when they hold under a brewer?—They are generally perfectly free; but if a person is taking a house, he goes to Reid's house, and says, "I want to borrow 4,000*l.*," and they say, "it is too much; we will lend you 3,000*l.*" He then goes to Barclay's, and tells them the same. They may have a better opinion, and say, "We will lend you 3,500*l.*" He says, "That will not do." Then he goes to another, and perhaps they will lend 4,000*l.*; therefore, it is perfectly free. If they press him for the money, he has only to go to another, and raise the money, and pay them off.

9032. That is, they are free to become dependent on any other brewer?—Just so.

9033. Do you consider that what are called gin palaces are more profitable than other public-houses; is the good-will generally sold at a higher premium?—A house that is doing 300*l.* or 400*l.* a month ready money over the counter; we generally go by the month; and if the business is done respectably, some of those houses shut up all Sunday, and do not serve on Sunday at all.

9034. The gin palaces?—Yes; then they will sell for a good deal of money, and do sell well.

9035. I believe from what you state, that it is a better business which is carried on in the gin palace than in the old-fashioned public-house?—I do not know; their business is done at less expense, and for ready money.

9036. In what way; the external part of the house seems more expensive and splendid?—People walk up to the counter, take what refreshment they please, and go out; they do not harbour anybody there; and another comes up, and another comes up, and so on; so that they have less trouble. It is all ready money, and they have no additional expense of servants.

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9037. But the architecture and ornament are expensive?—That is mere capital; as I before told you, I have been 50 years at it. I remember the publicans 40 years ago were a very different class of men to what they are now; quite another sort of people. Now they are a respectable body of tradesmen, men of capital, well brought up, and men of education. Formerly, they were a very different sort of people.

9038. Do you consider that they are more careful in the conduct of their houses than they used to be?—Most undoubtedly.

9039. They do not discourage people drinking?—They cannot do that; but they do this: if a man comes drunk up to the counter, or a woman, they will not serve him, they turn him out.

9040. There is more done to attract people to public-houses than there used to be?—The show-off houses do their business for ready money over the counter, with bottles or glasses, and sell as low as can be afforded.

9041. As an auctioneer, in advertising or noticing a public-house, should you mention the fact that it was a gin palace, as a recommendation?—We do not call it a gin palace, we call it "a public-house with a very excellent bar trade."

9042. That is understood at once by the persons who attend on those occasions?—They consider the best trade is over the counter.

9043. Sir *J. Pakington.*] The expression, "excellent bar trade," means gin?—It means that there is a very excellent bar trade over the counter.

9044. That is, practically, gin?—Yes. You must please to consider that these houses are not so bad as those houses which used to harbour, in tap-rooms, men and women of the worst class. I recollect a place in Shadwell, which was called Almacks-in-the-East; perhaps you have heard of such places; it was the Duke of York, in Shadwell High-street; at the back of the house there was a room that would hold 300 people; there they used to have one police officer at the door, and another at the back; and in that room, of an evening, you would see 200 or 300 sailors, and women of all descriptions, some dancing, some singing: it was in war time; you might go into the room, and not see six men in the room who could speak English; the women all spoke English, but the men they had with them were Swedes and Lascars; an English sailor would not go in, for a press-gang would have him. Now there is nothing of the kind.

9045. That was in war time?—That was in war time, and it was a most iniquitous scene.

9046. *Chairman.*] That might occur again if we had war?—Now, it has greatly altered for the better.

9047. You do not deny that there are houses which give extensive accommodation to seamen and women, as to dancing?—I will not say there are not; but, comparatively, very few; they are too cautious of their licences.

9048. There must be good custom where so many people assemble together?—The man, in the case I alluded to at Shadwell, made a large fortune.

9049. But the good-will of such a place would sell?—When he left it he sold it for 6,000 *l.*

9050. Is it the case, when you notice that it has a good bar trade, that the good-will is sold for more?—Where the business is done for ready money over the counter, and little expense, no doubt the house sells better, because it is conducted at less expense; consequently there is more profit attached to it.

9051. If a man gets a licence, is not his object to fit up his house with a view to a good bar trade, and to sell the good-will of that house?—I do not find, with regard to the houses that are freshly licensed in the new neighbourhoods that we have been speaking of, are fitted up in this way; they have tap-rooms and parlours, and every requisite accommodation; it is only in the large thoroughfares, where numbers of persons are passing, that houses have the best bar trade.

9052. That is a novelty, as you admit?—Yes; and no doubt they set off their houses to attract their customers.

9053. And if there is anything else that attracts a great custom, that is also mentioned in the sale of such a house, and improves the value of it, or, at least, the good-will?—The good conduct of the people who keep the house, managing it well, and selling a good article, are the great attractions; a little show outside is very well, but the other is the great attraction.

9054. Is it not the case, that there are many attractions resorted to now which, when

when you commenced business, were not resorted to, such as concert and dancing rooms?—Forty years ago the business of a publican was quite a different thing to what it is now. They were then quite low pothouses, and the persons keeping them were quite a different class; now, the men who keep these houses are principally persons of capital and respectability; and especially those gin palaces are in the hands of men of considerable property and great respectability.

9055. Sir *J. Pakington.*] When you speak of houses that have bar trades, do you allude chiefly to the houses where spirits are sold?—They all sell gin and beer of all descriptions.

9056. Do they sell beer at the particular houses that are known by the name of gin palaces?—Yes; and they sell their beer at a halfpenny a pot less than they sell it at in public-houses where you go in and drink it.

9057. You spoke of a ready money trade being so profitable at these houses; is not the trade of a publican's house a ready money trade?—No; the public-houses give a good deal of credit.

9058. Much more than that of others?—A great deal more.

9059. Why is that?—A man who earns 25 *s.* or 26 *s.* a week runs a score till Saturday night, and then he pays it off; in the neighbourhood of large manufactories it is very common; but the gin palaces give no credit; it is all ready money.

9060. Mr. *K. Seymer.*] Their customers are merely passers by?—Yes.

9061. Did I understand you to say just now, that a public-house with a bad character was unsaleable?—No man would take a public-house if he considered that the licence was in danger; I should not allow him to do so.

9062. You would not recommend a client of yours to purchase a house of that sort?—No.

9063. Could not the purchaser make it respectable if he wanted to conduct it himself, by conducting it respectably, or by putting in a respectable person and transferring the licence?—When you go up to be accepted by the magistrate, their clerk, or other persons, have got against the house certain charges; they look at the book and see the charges against the man's name in it; you must have a great deal of influence to get the good opinion of the magistrates to allow you to go there. They are very particular whom they do admit.

9064. Are there not houses in this town that have had what may be called a bad or indifferent character for years, and yet in the course of time have changed hands without difficulty?—When a man has charges against him he possibly, if he can, gets out, because if he goes on to the licensing day his licence would be stopped, and then another man comes in, and the plea is, that the man who has committed the offence has gone out; that here is a man with a good character; but he is not always accepted.

9065. Practically, those houses do go on year after year, and persons are found to occupy them, and they are not closed?—That must be with great recommendation; they would not go on with anything very bad against them. Where a man has given 3,000 *l.*, or 4,000 *l.*, or 5,000 *l.*, all he has got, and all he could raise, to get into one of those houses, he is very cautious not to do any act that will forfeit all that.

9066. Is it the fact that certain neighbourhoods are considered low neighbourhoods, and the magistrates look with a lenient eye on those neighbourhoods, and allow what they would not tolerate in respectable neighbourhoods?—In an old neighbourhood the public-houses are too numerous, and the consequence is that the publicans can barely live, and some of them do acts that they would not do anywhere else.

9067. And the magistrates tolerate those acts, and do not forfeit the licence?—The magistrates are very strict with them indeed; in some of the very old neighbourhoods you will see old public-houses, many more than are wanted or are necessary, and then there are beershops besides, so that it becomes a public nuisance there; people cannot live, and they go in and out. The magistrates every now and then stop a house, but the moment they stop one, up springs a beershop in the very neighbourhood, which is a greater nuisance than the public-house.

9068. *Chairman.*] You say every now and then the magistrates stop them; do you mean that the magistrates withhold the licence?—Yes.

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9069. Is not that a matter of very rare occurrence?—No, it is not of very rare occurrence.

9070. Do the magistrates very frequently do so?—I will not say frequently, but when a house has had a bad name or a bad character for some time, they stop the licence.

9071. Have you known a great many licences withheld?—I have, several; I could enumerate, with a little time, numbers that have disappeared.

9072. Do you distinguish between a licence being withheld from an individual and closing the house altogether; has the person not had his licence renewed?—The licence taken away entirely.

9073. From the man or from the house?—From the house, in some cases.

9074. In what part of the town does this frequently occur, or ever occur?—In the neighbourhood of Shadwell; in Petticoat-lane it has been done.

9075. What district of London do you call that; what bench of magistrates?—I cannot say; Petticoat-lane lies between Whitechapel and Bishopgate-street.

9076. You say, taking away a licence is of sufficiently frequent occurrence for you always to consider it in negotiating the sale of a house?—In negotiating a sale, the first thing we inquire is, what character the house has got as to the licence.

9077. And that simply from the apprehension that he would lose his licence?—If the house has got a bad name, there would be great difficulty in getting a man accepted.

9078. Is it an important consideration with you in estimating the value of a house whether a man will get a licence renewed or not?—Sometimes a man has a taproom in his house, and thieves have been taken in the taproom; they have congregated there, and the police have, of course, reported the house; that man would not be allowed his licence, and it is a great chance if another man would get it; he must be a man of very good character and have great interest to get it at all after that. Such a house I would not allow a man to take at all.

9079. In those very grave cases you would expect the licence not to be renewed?—I should say it would be very doubtful whether it would or not.

9080. But houses that have been accustomed to very low characters, and to have very low people at their bar, are just as likely to get a licence renewed as any other?—If a house is well-conducted, and there is no complaint against it, then the licence is renewed to the party; but if bad characters are harboured there, or if there are more public-houses than can live in the neighbourhood fairly, it induces persons to allow people of bad character to associate there, and the publican endangers his licence thereby.

9081. Mr. *K. Seymer.*] You have stated that the trade carried on, and respectability together, are two of the elements in estimating the value of public-houses?—Yes.

9082. Now, take that case in Shadwell, where the house sold for 6,000 *l.*; respectability did not come in there?—The police were aware of it; they knew that the accommodation was there for this sort of people, foreigners, and they allowed the publican to have two policemen to attend his house; therefore, what he did was under their sanction and permission.

9083. Mr. *Brown.*] You were speaking of persons having interest to get a licence; how is that interest brought to bear on the magistrates?—If a man builds a new house, and he is of good character, and can get a recommendation, and the house is wanted in the neighbourhood, he generally gets his licence.

9084. Do you find that houses are sometimes licenced before they are inhabited?—I think there was a case at Islington the other day. A house was built on purpose for a public-house, but it was not completely finished; the licensing day occurred, and they obtained the licence; but it was obtained by the builder, in connexion with the neighbourhood, because they wanted it there.

9085. When you sell by auction, how do you ascertain the character of the purchaser?—We take our chance. We make him pay 10 per cent. deposit, and leave it to him afterwards.

9086. You spoke of gin palaces receiving money over the counter; public-houses, if they allow a score to run, are compensated for the risk by the extra price they charge?—No, I do not believe that; public-houses are obliged, many of them, to give credit a good deal; but the gin palaces give none.

9087. Are

9087. Are you aware that they cannot recover if it is under a certain sum?—I dare say; but suppose there are half-a-dozen men who work in a shop or factory, they all use the house together, and they run up a score to Saturday night, and then they pay the publican, but he does not always get his money.

9088. Is it at all consistent with public policy that an uninhabited house should be licensed to a party whom the magistrates know does not intend to keep that house, but to transfer it to another?—I think the magistrates exercise a very just discrimination; they look at the house before they license it, and see whether the neighbourhood wants it; they survey the place themselves. I have seen them, and if they think the house is wanted, and it is supported by the inhabitants petitioning for it, the licence is granted; if the contrary is the case, they do not grant it.

9089. They cannot tell the character of the party who is to keep the house; they may know the character of the party applying for it, but they have no means of inquiring into the character of the party who is to keep it?—If a builder applies for a licence in his own name, he cannot transfer it to another party, without the sanction of the magistrate, and the man must produce a satisfactory character to them before they will permit him to have the licence transferred to him.

9090. *Chairman.*] Do persons ever communicate to you before they get the licence, telling you that they have good interest with the bench, and are likely to get it?—I have very little confidence in that. I say you may or may not. I look at the building, and leave the probability of getting the licence to the purchaser.

9091. Do you tell him, if you get the licence, it is worth so much?—I say, if you get the licence it will be worth so much; but that is a matter of opinion.

9092. Does your experience enable you to judge of the difference of value between premises licensed and unlicensed?—You may obtain a licence to one house, and it may be valueless, and you may obtain a licence for another, in a full neighbourhood, where it will be valuable.

9093. If the facts are correctly stated to you, are you enabled to state, from your experience, the value of a house before it is licensed?—We can judge from the situation.

9094. You state that you make inquiries as to the character of the house before you sell: do you ever ask what the quality of the beer is that has been sold there; whether it has been adulterated, or whether there have been any convictions for adulteration?—I do not know that I ever heard of a conviction for adulteration; whether it is adulterated or not, I leave to the customer. If a man can sell a large quantity of beer, if his consumption is 10 or 12 butts a month, I presume the beer is good.

9095. You do not mention that, in describing the public-house business which you are selling; you do not refer to the quality of the beer?—I take the brewer's book, and say that he is selling so many butts a month.

9096. Do you know the brewer's name, at the time?—Yes.

9097. Some brewers are preferred to others?—Yes; some prefer Barclay, some Whitbread, some Hanbury; we never interfere with the brewer.

9098. But those brewers have a different value in the market?—There are six or eight who stand in about the same position.

9099. Have you anything to do with beerhouses?—No, I never recommend them.

9100. Mr. *Brown.*] Are you aware that the consumers of beer have a slang name for adulterating the beer; they say it has been "be-devilled?"—Some 10 years ago, I put a man out of a house in Soho who was doing a very large business; he sold the good-will of the house for 5,000 *l.* or 6,000 *l.*; he had lived there many years and conducted it very well, and made a good deal of money; the person who took it was in Barclay's trade, and had been in the habit of keeping a house in Barclay's trade at Clapham, where he prided himself on selling his beer just as he had it from the brewer, perfectly correct; he said he had come into this house to do the same; they were drawing about two butts of beer a day in the house. He paid the publican, I think, about 6,000 *l.* or 7,000 *l.*, and in the evening he went away; the next day, about 12 o'clock, he came running down to my office; I was not at home, but he saw one of my young men, and said, "The people are all leaving the house; they will not drink the beer."

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When I came home I saw him, and I said, "What have you been doing with it; I am quite sure you must have spoilt it;" he said, "I am tapping it just as it comes from the brewer." I said, "The best thing is to send for the man you took the house of, and hear what he has got to say;" and away he went. They had quarrelled the over-night about some part of the money, but he very kindly came and undertook to put it all to rights; he went among the customers, and said, "He has tapped the wrong beer; I will soon put it all to rights;" and he went down into the cellar and tapped his own beer which he had left, and the men in the taproom, and the other people, were all satisfied and drank it, and were quite content.

9101. I see in another of your notices this passage, "Held for a term of 23 years from Lady-day 1853, at a rent of 150 *l.*, of which 50 *l.* is returned to the tenant, so long as he deals with Messrs. Meux & Co. The other covenants will be explained at the sale." Is the first part of that like the other that I read?—It is of a similar nature.

9102. "The other covenants will be explained at the sale;" are they of any peculiar kind?—The covenants between landlord and tenant, that he shall repair, uphold, pay all rates and taxes, and so on.

9103. Mr. *Gregson.*] Do transfers generally take place more in large and respectable houses, than in small and inferior ones?—No, they are more frequently large than small; this is a list of the houses, the sums I sold them for, and the names of them; but we have not given the names of the tenants; that is for one year—(*handing in the same*).

9104. The transfers are more frequent in large houses than in small ones?—I think they are now; these are what I have sold from July the 6th, 1852, to July the 6th, 1853; every one of those houses has been sold and transferred, and the money paid.

9105. *Chairman.*] Does it not often occur, that the houses belong to the brewer or some other person, and the transfer of the licence takes place without any person of your profession knowing anything about it?—A broker is generally employed.

9106. Is it not possible that some persons have very little property upon the premises, and there is but a transfer from one agent or servant of the brewer to another?—I hardly ever knew it; they would perhaps then call a broker in, to value the property between them.

9107. So that you can give no information with respect to transfers of that kind, unless the property is transferred?—I cannot imagine that there are many of that kind; the man in the house possesses the furniture and fixtures, and they never agree about it, without having it valued; they have it valued by other parties, and then the transfer takes place.

9108. You are not a broker, and would not be employed in those cases necessarily?—Me and my partner do that; we valued the London Tavern the other day.

9109. Mr. *Gregson.*] Though your agency generally applies to large houses, is it not your impression that transfers are more frequently made of small houses?—I cannot say.

9110. *Chairman.*] Perhaps you would not hear of them; you are in a very large way of business?—We are in all sorts; large and small.

9111. Mr. *Brown.*] Although this list which you have handed in shows the transfer of the property, it does not necessarily follow that there is a transfer of the tenants?—Those are all the tenants selling from one to the other.

Veneris, 22° *die Julii*, 1853.

MEMBERS PRESENT.

Mr. Villiers.	Lord Dudley Stuart.
Mr. Barrow.	Mr. Lowe.
Mr. Ker Seymer.	Lord Ernest Bruce.
Sir G. Goodman.	Mr. Gregson.
Mr. W. Brown.	

THE RIGHT HON. C. P. VILLIERS, IN THE CHAIR.

The Honourable *Frederick Byng*, called in; and Examined.

9112. *Chairman.*] YOU are in the Commission of the Peace for the county of Middlesex, and act as a Magistrate?—I do.

9113. You are chairman of the local bench in St. James's?—I am.

9114. Are you in the habit of attending there when applications are made for licences for public-houses?—I think I have attended pretty regularly during the last 12 years as chairman.

9115. You receive there a great number of applications, and are obliged to refuse a great number, I believe?—Not many.

9116. The applications are not many?—Yes.

9117. What is the rule that you proceed upon in that district with regard to granting licences?—I wish to be explicit as to granting the licences; there are few licences for fresh houses applied for.

9118. Of late years you have not had any original applications for licences?—But very few.

9119. The applications you have are only for renewals?—Yes.

9120. Upon what rule or principle do you proceed in granting the renewals?—The bench meet on the annual licensing day, and are called on to renew licences for 167 houses that are now licensed in that very small district, half a mile in length, and perhaps a quarter of a mile in breadth.

9121. Is that the parish of St. James?—Yes; I am speaking of that now. It will include the parish of St. Anne's, Soho, but they are not amalgamated yet.

9122. Your jurisdiction extends only over the parish of St. James?—Yes.

9123. In which there are 167 licensed public-houses?—Licensed houses. The greater part of the hotels are licensed publicans. The punishment has been very severe to those who have not taken out the licence. The waiters and others have informed against them; and in one case last year, a very respectable man, who keeps a hotel in St. James-street, was fined by the Excise 160 *l.* for selling brandy and water to a person who had taken apartments for that purpose.

9124. He being only licensed as a free vintner to sell wine?—Yes; and perhaps the Committee will allow me to call their attention to this part of the licensing system, that the persons who hold a publican's licence are subject to the visitation of the police. I apprehend that the Act allows the police to enter into any of these hotels at any time they may think fit, and perhaps you will not think it wrong of me to mention that I have heard from good authority of the police doing that, and the master of the house making them refrain from it for considerations.

9125. We will just proceed a little more in order; there are these houses which apply to you for licences, and they are not all; the 167 do not apply to you for licences, because there are some who are free vintners, and can sell wine?—That is extra; there are 167 persons who apply at the annual licensing day in March.

9126. And these include all the hotels?—The great hotels in Jermyn-street, and other places.

9127. And upon their application do you adjourn your sessions for the purpose of inquiring into the mode in which they have conducted their houses since the last renewal?—No, the usual course is that the police present a report of the

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public-houses. That report is generally contained upon one sheet of paper, and may have, I may say, six, eight, or ten complaints during the year.

9128. Against public-houses?—Against public-houses, principally for Sunday trading. Perhaps the Committee will allow me to say that that cannot be a just report of the conduct of these houses.

9129. This is all the evidence that you take as to their conduct during the year?—Yes.

9130. The police are directed by the Commissioners of Police to report to the magistrates of any given bench or petty sessions, what has been the conduct of these houses, so far as they have observed it?—Yes.

9131. And, according to that report, you either withhold the renewal or make inquiry as to the particular offence of which they have been guilty?—Yes; in addition to that, there are applications and strong petitions sometimes, of the inhabitants contiguous, of the ill conduct of these houses.

9132. That is independently of the report of the police?—Yes; not mentioned by the police, but brought forward by the inhabitants who are annoyed by the conduct of particular houses.

9133. Then you examine those complaints as well as the reports of the police?—Yes.

9134. Where there are no reports of the police against the houses, or any complaint, the renewal is a matter of course?—Yes.

9135. And the extent of these complaints are not more than six or seven or eight in 167 houses in the year?—Not more than 10 certainly, contained in a sheet of paper, and generally, for Sunday trading, between the hours of Divine service, with penalties of 20*s.* to 40*s.*

9136. Is that generally a complaint of the neighbourhood, when they brought the case before the bench, that the houses have been kept open on Sunday?—No; the complaints of the inhabitants are, being disturbed by the disorderly conduct of a house. If you will allow me I will state an instance that came before the bench a little while ago, of a house in Jermyn-street.

9137. Reported by the neighbourhood?—By the neighbourhood; the immediate neighbours reported the extreme bad conduct of this particular house.

9138. Had the police named this house in their report?—No.

9139. Now the report of the neighbourhood came before the bench at the same time as the police report?—Yes, and what passed on the parties appealing to the bench was this: we examined them, and turned to the then superintendent of police, Mr. Otway, who attended; it is supposed that the superintendent or inspector attends. We applied to him as to the truth of the allegations of the inhabitants, and he admitted them.

9140. You were going on to state what was alleged against this house?—They alleged keeping the house open all night with disorderly women, and all sorts of bad conduct, which disturbed the neighbours during the whole night. The evidence came from respectable people, neighbours; the bench naturally attended to it, and took that opportunity of refusing the licence.

9141. You were saying that the police were asked about this?—They were asked, and confirmed the evidence of the persons complaining. The party appealed to the sessions; I did not attend; the magistrates do not attend, generally, in their own cases, and to my great astonishment the appeal was admitted, and principally upon the evidence of Mr. Otway, the superintendent of police, who totally differed from his former evidence as to the facts. The same superintendent has since retired with a pension of 80 *l.* a year, and I transferred a licence two days ago to him of a low public-house close to Golden Square. He is now enjoying 80 *l.* a year, and keeps a low public-house, of which the inhabitants have already sent to me as to its ill conduct; but I have no doubt that at the next annual licensing we shall hear nothing of it from the police.

9142. Do we understand you to state that when the case came before you to transfer the licence of this low house in Golden Square, you became acquainted with the fact, that this was the very superintendent who had lately retired from the police on a pension, and who had differed in his evidence, when the appeal came before the bench, or the quarter sessions, from the evidence he had given before you?—It was not the same house.

9143. But the same man?—Yes.

9144. It came under your notice that it was the same man?—Yes.

9145. Do

9145. Do you know any more particulars?—No. Then I will give you another case.

9146. Is there any other fact, that you are acquainted with, connected with this appeal, which was successful to the quarter sessions; I understand you to state that the magistrates refusing the licences did not attend at the quarter sessions, and that nobody appeared to support that decision?—Yes, I beg pardon; counsel appeared.

9147. Instructed by the parish?—Yes; I always instruct counsel to appear whenever such is the case; I did so the other day.

9148. This is a recent case?—There is a more recent case still.

9149. We will finish with this one first; counsel attended and brought before the quarter sessions, or the bench that sat on appeals, all the facts that were stated to the bench below, when they refused the licence?—Yes.

9150. And they called the superintendent in support of the information?—Yes.

9151. And you know nothing more than that the appeal succeeded, and that the man got his licence, or kept it?—Yes.

9152. Mr. *K. Seymer.*] Were the complainants called; the persons who complained to you; the neighbours?—I think so; I am not quite sure.

9153. *Chairman.*] What is the practice with respect to the transfers of licences by your bench; do you make inquiry into the character of the persons to whom the licence is transferred?—Unless there was anything marked against them, any petition against them, I should not do it.

9154. Was there no question made by the magistrates by whom the transfer was allowed, as to how this man came to vary in his evidence before the quarter sessions?—I did not think it at all my duty to begin on that question again to him. I thought that as the bench at Clerkenwell had settled the question, it was not becoming in me, having reversed my decision, that I should begin again to question him why they had done so.

9155. You saw nothing objectionable in this man as the transferee of this licence?—No, nothing.

9156. The magistrates would not think that they had any power to refuse the transfer of such a house, if it was applied for?—They would think it quite futile; the bench at Clerkenwell would not listen to it; they would not treat the local knowledge of the magistrates in the district as of any account whatever.

9157. If you had refused this licence to this superintendent of police, would you have expected that that refusal would have been confirmed at quarter sessions, or that if he had appealed he would have succeeded?—That he would have succeeded.

9158. You were going to state a more recent case?—There was a house in Poland-street, known for its very bad conduct for many years.

9159. A public-house?—Yes; one not necessary from the number of public-houses in the neighbourhood, and the inhabitants near it being desirous that it should not be licensed. The house had, owing to bankruptcy, remained un opened for a very considerable time. At last the bench was applied to for a fresh licence, and upon consideration of all the facts, the local bench refused the licence.

9160. This is in St. James's?—Yes. The man who had taken the house, expecting to get the licence, did not stop at our refusal, but did it up and adorned it, took out a beer licence, and, in fact, said as much, "I shall get my licence at the sessions, in spite of your decision;" and so he did, without an atom of evidence that it was either for the benefit of the neighbourhood, or against the abominable conduct of the house for years past.

9161. It was not the same person?—No, a fresh person.

9162. There was an appeal?—Yes; I was not there. I am told that in the lower part of the court it created some remarks not very respectful to the bench. However, that was granted, and the consequence is that the local magistrates, I believe, consider, and I do the same, that if they attend at the general licensing day we do it really out of kindness to the individuals. If I did not attend, perhaps there would be no bench, and these 167 people would be sent to Clerkenwell to get their licences, under all the difficulties of a county day. I think, and I believe, that my brother magistrate or two who attend out of kindness to these people, consider it perfectly useless to refuse a licence again under any circumstances whatever.

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9163. What is this local bench of which you are the chairman; is it a regular petty sessions?—Yes, they sit for appeals.

9164. Does it exercise the ordinary jurisdiction of petty sessions; does it hear cases of other kinds?—No, merely poor-rate appeals, things that are purely parochial, and the transfer of licences, and then the general licensing day in March.

9165. Is it difficult to get an attendance of magistrates for this purpose?—Very difficult; I am obliged to canvass to get a magistrate or two to attend the bench; latterly more particularly.

9166. Now you have referred to this house in Poland-street; do you know any of the particulars as to whom the house belongs, or who the person is who has got the licence?—No, I cannot say that I do.

9167. Have you any reason to believe that it is his own house?—No, it is difficult to come at the property in the house; the greater part of the property, somehow or other, is mortgaged to brewers and distillers, and the people are put in.

9168. That is the case with the houses which you renew the licences of; that they belong to brewers, or are dependent upon brewers. We have heard here, that the magistrates in Middlesex are very often annoyed by applications to grant licences, and in some cases they refuse licences to new persons; are you acquainted with that fact in St. James's?—No, I cannot say that we are. I have had applications.

9169. Is it not to avoid that kind of canvassing that magistrates are disinclined to attend at these sessions?—Not the least, in our locality; it is so very full of public-houses.

9170. In St. James's the magistrates would feel it a hopeless case to exercise their authority over the public-houses in withholding the licences, or in refusing new applications?—They are very much disheartened in doing so.

9171. Then I need hardly ask you whether the fear of losing the licence exercises any influence over these public-houses?—Very little indeed.

9172. Are you able to say, from anything that has been communicated to you, whether influential persons attend at the quarter sessions to support the appeals?—That is a sort of hearsay evidence that I should not like to give.

9173. Do you not learn it from the persons who attend to support the magistrates' decisions, that the collectors of brewers, or other people who may be interested on those occasions, attend?—I cannot say.

9174. Is there much reason to complain generally of the conduct of these houses?—I believe, from what I hear out of doors from persons, that a great many of them are frightfully misconducted.

9175. In what particular; is it by harbouring bad characters?—As to harbouring bad characters; as to gambling; and as to one particular which is, that in the worst part of our parish, which is as bad as St. Giles's, at the back of Golden-square, where there are a great number of low Irish, the publicans harbour people during church time, and that come out of the doors drunk when the doors are opened after one o'clock; but we have no report of that sort from the police; it is only from the inhabitants and neighbours.

9176. You are aware of the fact, perhaps, that the police receive particular directions from the Commissioners to watch all these licensed houses, and public houses, and to make their reports regularly to the magistrates, before a renewal of the licence?—Yes.

9177. Can you account for the fact that, if these houses are conducted in this disorderly manner, why the police do not make a report to the magistrates?—I think the Committee may draw their own deduction; it is not for me to say.

9178. Do you believe there is any want of vigilance on the part of the police, or that they are not sufficient in number to be always on the spot, to watch these houses?—I do not know how they could avoid seeing it; it is impossible; the things that happen must come to their knowledge.

9179. Is it on anything that can be called evidence that you have inferred that these houses are so irregularly conducted?—I have no doubt that evidence could be got, but it is not for me to do so; I have the reports of people who live in the neighbourhood.

9180. Is there something like a general notoriety of the fact that some of these houses are conducted in a disorderly way, in the particular you have mentioned, in having people in there during Divine service, or harbouring notoriously bad characters; is it notorious in the parish or in the neighbourhood that they do so?—

so?—It is notorious from people of very good authority. I have a letter here from one of the authorities of the parish of St. James, which speaks of the spirits sold on Sunday morning at three houses near St. Luke's Church; one a shoe-shop, in Husband-street, and at a greengrocer's shop, in Hopkins-street, and an Irish pawn-shop, not a pawnbroker's, in Peter-street. The Hon. *F. Byng* 22 July 1853.

9181. These are houses selling spirits?—Yes; this is what he states, but I cannot verify it. "This is winked at by the police, who do not see a regular Sunday morning trade carried on at a particular house in Crown-street, by a side-door, at the sign of the Crown, kept by Henry Tolson."

9182. Has any communication been made by the magistrates, or by any of the parochial authorities to the Commissioners of Police, to the effect that there is this conduct notoriously going on in the parish, but that no report is made to the magistrates?—I believe the Paving Board and the governors of the poor have made some representations, and they are going as a deputation from the parish boards in the course of a few days to Lord Palmerston, to represent what they call the inefficiency of the police force in the district.

9183. In that respect?—In that and many other respects; it is not confined to that.

9184. Do I understand that they are going to complain that the force is not sufficient, or that there is some negligence on their part?—They think that the force is not sufficient for the enormous price they pay for it. The Committee, perhaps, is not aware that the little parish of St. James pays about 10,000 *l.* for the police force, and that the actual expenses, taking the wages calculated by the returns, is only 4,000 *l.* And according to the report which will be made to Lord Palmerston, housebreaking, or want of attention to the public-houses and nuisances of all kinds, are going on within the parish. It is a very difficult parish, from its wretched inhabitants; it is hardly known to people in general how bad it is, and that there are all sorts of nuisances from the want of efficiency in the police force.

9185. Would these representations be made to the Home Secretary after complaints had been made to the superintendent, to the Commissioners of Police, and a reply on their part that they did their duty?—The report which I have seen, which was sent to me to look at, is full of this, and will be presented to the Secretary of State forthwith; and that will be sent, of course, to the head of the police.

9186. Are there any houses in the parish that may be called houses of public entertainment or of public resort which are brought under your notice?—I apprehend that every coffee-house and every lodging-house in St. James's is liable to the Excise by selling liquors.

9187. Do we understand you rightly, that they sell spirits without a licence?—Yes; I take it that all those, and they are numerous, and the lodging-houses, are in the habit of selling liquors to the people who come there.

9188. For which they would be liable to the penalties?—Yes.

9189. These houses are not under the control particularly of the magistrates or the police?—None at all.

9190. Are you aware that some of them are kept open all night?—Yes.

9191. Have you any suggestion to make with respect either to the public-houses, or these houses, as to their future regulation, either with respect to their being closed, entered, and examined, or with respect to further powers given to the police?—I should venture to recommend that no licence should be granted except to a man who had given a bond, with two sureties, and that the penalty should be levied on those sureties themselves, upon the ill-conduct or the regulations being broken, which might be put equally in that bond. That would be one; and the other would be to grant the licence to the house, and to prove that the owner or the occupier of the house had actually the lease of the house.

9192. What would be the object of that?—The object would be, that you would get better and more respectable holders of these houses, and persons who would be responsible for the conduct of them.

9193. Are you aware of the fact that a great number of those houses do belong to very wealthy, and, consequently, in the opinion of the world, very respectable people, and that they are conducted only by the agents or servants of such people?—That, surely, is objectionable, if conducted only by the agents.

9194. Then you would have the publican himself a man of capital, and the owner of the stock on the premises?—When sitting upon the local bench, the first

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question I ask of the person to whom the licence is to be transferred is, whether he resides on the premises; whether he conducts the business; whether he has ever been in that kind of business before; and whether he has any other business. If he had another concern I should object to transfer the licence. I then admonish him as to the good conduct of the house, that is all. I do not certainly say he shall not have two businesses at the same time, but that is very often tried. The man who keeps a shop in one street will take a public-house in another, and delegate to a shopman to carry on his business in one; in short, to carry on two trades at once.

9195. I do not exactly see what the objection as regards the public is to any man doing that; it is probable that the man could not carry on two businesses well as regards himself; but he has a great interest, has he not, in the good conduct of his house?—By being present he prevents, supposing him a respectable man, and a man of some capital, disorderly conduct in the house, which he could not do by delegating the authority to a man whom it may suit to allow anything to go on which is reprehensible.

9196. You object to the system of brewers having a great number of houses, and putting in their servants as publicans?—Certainly.

9197. You think that publicans are not so careful as they would be otherwise?—Yes.

9198. Their interest is only to sell a great quantity of liquor, and they have not much at stake when the capital is not their own?—Yes; and then if the house is ill-conducted the man is sent away, and another man is placed in the house, and the inquiries about his character, and the manner in which they are made, are as good as you can have.

9199. You have stated what fresh securities you would take in order to secure the better or more respectable character of the publican; but what do you propose in order to obtain evidence of offences committed in these houses, which I think you complain you want, although there is a notoriety that there are offences committed?—There may be particular inspectors delegated by the police. I have stated to the Committee that out of 167 public-houses there are only little trifling reports of misconduct. I bring that to the view of the Committee, to ask whether they believe that is possible in such a neighbourhood as St. James's, and the horrid localities which there exists.

9200. You are satisfied, and you refer to the opinion of your colleagues, that further inspection is required?—Certainly.

9201. And that the police act under circumstances not favourable to that inspection being efficient?—That is the conclusion which I draw; I may be wrong.

9202. Do you recommend an inspector of public-houses to be appointed, or some such person?—Certainly.

9203. Who should attend the magistrates on the licensing day?—Yes.

9204. I believe something of the kind has been done with regard to lodging-houses?—Yes; under the new Act.

9205. There is an officer on purpose to inspect those houses, to see if they conform to the new Act?—If I am obliged to attend on the next licensing day, and any notorious house is brought before me, I shall administer the oath to the police; certainly I shall not take it on general information, but I shall administer the oath for the evidence to go to the sessions, so as not to have a decision upset, as the one was I mentioned before to the Committee.

9206. If people are summoned before you, do you not take the evidence on oath?—Yes, sometimes; but I did not that of the inspector of police or superintendent; I did not think it necessary.

9207. I presume they are examined on oath at the quarter sessions?—Yes; I wish to state that my idea of licensing is that any man should have a licence. My opinion is, that any man should be granted a licence on sufficient evidence and good security for his good conduct under certain regulations. That is my way of viewing it as a correction of the present evil; under a bond of 1,000 *l.*, and two sureties of 500 *l.* each, and the regulations posted on that bond, and that hung up in the public-house. I think that would ensure the good conduct of these houses.

9208. Have you considered those sums which you mentioned?—Yes; I think any respectable man would be able to get two sureties, or the brewer himself would give it under those circumstances.

9209. Perhaps that would refer more to the parish of St. James's, which is a very

very wealthy one?—It is not a very wealthy one; there is a mass of poverty and wretched buildings in it. The interior of the parish is as wretched as St. Giles's.

9210. You do not rely much on the evidence the magistrates are able to procure of the character of the persons selected at first by them to have licences?—No; I would rather go on a better security, that of money.

9211. A money security at first when they get their licences, and you would rely on a better application of the law afterwards, in case they offended?—Yes.

9212. Mr. *W. Brown.*] The parties giving these securities would know more of the character of the persons for whom they became security than the magistrates possibly could do?—Certainly.

9213. Would it not add to the respectability of the publicans and beer-sellers if they were compelled to give a larger sum for the right to sell beer, or for keeping a public house, by having a higher licence than at present?—The two licences cost at present about 17 *l.*, if I recollect.

9214. If they paid a larger sum than that, and the magistrates had the summary power of ejecting them for bad conduct, would it not add something to the respectability of the parties?—Certainly; but there must be an appeal; you would not allow any magistrate to reject; and then the appeal, as I have stated before, from the manner in which it is conducted, is very often of no use.

9215. You were speaking of the individual owning the house, or keeping it; do you not think some little difficulty would arise in rural districts very frequently where there are most respectable public-houses having a farm attached, and where they cultivate that farm for the purpose of supplying the house with vegetables and poultry; would it not be hard on those parties that they should be compelled to give up their farm, and attend to the public-house only?—I should think it would be, certainly, in the country; I was merely speaking of the town.

9216. Mr. *K. Seymer.*] Your objection was to a residence elsewhere?—Yes.

9217. The person in the country resides in the house, although he keeps a farm?—Yes.

9218. Mr. *W. Brown.*] Then you would object to a foreman of works, or any individual who had the employment of a great number of workmen, keeping a public-house where the workmen, in order to curry favour with him, would go in to drink?—I think it very objectionable; I think the very presence of the man himself, with his wife and children, is a very great check on impropriety of conduct in the house, particularly with regard to other courses which I need not name.

9219. Are you aware that, prior to 1817, bonds were given; but from the great leniency of the magistrates they were never put in force; to whom would you leave the power of enforcing those bonds?—With the magistrates.

9220. If they act as they hitherto have done, they would not enforce them at all?—I think the police magistrates would.

9221. You mean the stipendiary magistrates?—Yes.

9222. Mr. *Barrow.*] Do you anticipate that the keeper of an ordinary public-house would be able to find two sureties of 500 *l.* each, subject to this indefinite penalty, of never transgressing his licence?—I think it would be the means of getting good public-houses instead of low, wretched things, which are the resort of thieves and vagabonds of all sorts. I think it would raise the quality of the public-houses.

9223. You would have a higher class of public-houses; could you with that extraordinary amount of security anticipate that there would be accommodation at all for the moderate class of people?—If that consideration affected the question, the bond might be lessened, or the whole, if I have exaggerated, be made of smaller amount. It would be in the discretion of the Committee to recommend that.

9224. You seemed to think that the present representations of the police were unsatisfactory; that they did not report all that they ought to report; the superintendent of police attends your sessions at present?—Yes.

9225. If you have the superintendent at present, what greater benefit would you anticipate from having an inspector of police?—I think that the superintendent of police is for the general management of the letter which he governs; the letter C., for instance. He has various duties to perform, and he must take it, in many instances, from the observation of the inspectors and the men; but if

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there was a regular inspector, who was well paid, and whose duty it was to report to the superintendent every particular, the public-houses, then, would be better looked into.

9226. You would have a different class of police with regard to public-houses?—Yes.

9227. Mr. *W. Brown.*] Would you classify the bonds, and make them depend on the population of the place?—Yes.

9228. For instance, London would give much larger bondsmen than a rural district or small village; you would make the bond, probably, in a small place less than the bond in such a place as London?—I should think certainly much less.

9229. Mr. *K. Seymer.*] Did Mr. Otway attempt any explanation of the fact, on being questioned, that a house which he admitted had been very badly conducted, had not been reported on by him?—No; when I appealed to him, he admitted the bad conduct of the house, and it passed as things do at petty sessions. He said he had no reply to make. The inhabitants were very anxious to get rid of the nuisance.

9230. Sir *G. Goodman.*] Have you not authority to order the constabulary or police force to go into houses where they are reported as disorderly?—None; that would be interfering with the head of the police; I can give no order.

9231. Mr. *Barrow.*] Do not you understand that it is the regular duty of every policeman to examine and to report on any case of misconduct with respect to a public-house?—Certainly.

9232. And that there are various grades of policemen who are equally responsible for that duty?—Certainly.

9233. Are we to collect from you that you doubt the performance of their duty by the police?—I have very good reason.

9234. If you doubt the performance of their duty by the present police, what additional benefit would you derive from increasing them, and having paid officers of the same description?—I should think that the discipline of the force was much stricter some time ago than it is now; and if that was renewed again, we should have what I require with respect to the public-houses.

9235. *Chairman.*] They have a great many other duties to perform?—Yes.

9236. But the inspector of public-houses would have that duty exclusively?—Yes.

9237. When any informations are issued against these houses, or summonses taken out, do they come before you?—No, they come before the stipendiary magistrate; that is recorded; and that sheet of fines and penalties, whichever it may be, comes before the magistrates at petty sessions.

9238. The conviction is endorsed on the licence?—Yes, I think it is; there is a regular sheet made out of the offences, and the amount, 40 *s.* very seldom, 20 *s.* oftener.

9239. Do you ever ask to see the licence when the renewal is applied for, to see if there is any conviction?—There is a record of those convictions kept by our clerk; we can always refer to the number of convictions.

9240. Does that ever influence your decision as to renewals?—If they are not very frequent we should merely admonish. It is a very serious thing taking away a licence, or the suspending it for any length of time.

9241. Mr. *Barrow.*] The individual policeman, in the first place, is responsible for reporting any offence that comes under his notice?—Yes.

9242. The sergeant is next responsible to report anything that comes under his notice?—Yes.

9243. And then there is the inspector, again?—The superintendent.

9244. In order to corrupt that force, every one of those persons must be to a certain degree corrupted; how would you benefit it by appointing a single officer, or a single person only, to be corrupted instead of the whole force?—I think the best plan is that there should be an inspector for the purpose; I cannot say how he should be appointed.

9245. *Chairman.*] Did you say some cases had come under your notice where great hotels had been selling spirits, and had not a licence, and you found the police were cognisant of the fact?—No; I did not say that. I said, in one case, a hotel-keeper in St. James's-street had been fined 160 *l.* from an information laid; that was not by the police.

9246. I thought you said that, although the information was not laid by the police,

police, the police were aware that he was in the habit of doing it, and had not noticed it?—They must be aware that all the clubs are in the same state.

9247. All the clubs?—All the clubs are liable to an information. If you happen to go into a club, and pay 6*d.* for your glass of brandy, the man is liable to the fines and penalties of the Excise.

9248. Are not the members of a club considered partners, and each of them, in law, as owner of the house?—I do not know how the proprietary clubs may be, but I am speaking of clubs that are not proprietary, like White's, which is held by a manager.

9249. Has White's ever been brought before you?—No.

9250. The waiter could do it?—Yes, he might. There are three clubs in St. James's-street which are not proprietary clubs, which have free vintners' licences, Boodle's, White's, and Brookes's.

9251. Mr. *Barrow.*] Proprietary clubs would not be liable?—I do not know; I suppose not.

9252. Mr. *W. Brown.*] With reference to the bond; if an individual gets two friends to become bondsmen for him, and in the course of the year those two friends found that they had mistaken the character of the party for whom they have become bound, would it not add to the respectability of the trade generally, if those bondsmen were permitted to withdraw their names at the licensing sessions, and if that individual could not find other bondsmen, of equal respectability, that he should not continue his business?—I should think your suggestion one worthy of consideration.

9253. *Chairman.*] Do you know of any one public advantage now attending this system of licensing, as regards public morals or general security?—None.

9254. That all depends on the vigilance and conduct of the police, or the inspectors of these houses and the magistrates?—Entirely.

9255. Mr. *Barrow.*] You must lodge the power of approving of these sureties with somebody, supposing the system adopted of giving security?—That is a part I have not thought of; I only made the suggestion; how it is to be carried out I am not lawyer enough to say.

9256. Mr. *W. Brown.*] Would not the magistrates have a much better opportunity of ascertaining the pecuniary resources, or the means of the parties giving security, than they now have of knowing the character of the party who keeps the public-house?—Certainly.

9257. Then the magistrates, under those circumstances, might be competent judges whether the sureties were sufficient or not?—Yes. We have no opportunity of knowing anything about the parties now who come for the transfer of the licence. It is a very difficult thing: they are of all sorts of trades. The person who transfers the licence brings the man, and says, "I transfer this licence to this person."

9258. My question was rather directed to this point: whether it is not much more within the reach of the magistrates to ascertain the solvency, and respectability, and pecuniary means of the individual offering himself as security for the publican, than it is for them to ascertain the character of the public-house keeper?—I should think so; but what magistrates; the stipendiary magistrates?

9259. Either the stipendiary or honorary magistrates?—It would be rather difficult in that case, without some proper examination, exactly to know.

9260. *Chairman.*] Would it be better for the stipendiary magistrates to have jurisdiction over these houses entirely, so that they should determine on the licence being renewed?—I can only say that I think the present system so bad, that any alteration would be better.

9261. Would there be more deference to the authority of the stipendiary magistrate?—Certainly; there is no respect shown to the local magistrates.

9262. Something has been reported to you which proves that there is no respect shown to you by the magistrates who reverse your decisions?—There is none at all; they are often very capricious.

9263. Mr. *W. Brown.*] Do many appeals succeed; are more decisions reversed than sustained?—I cannot say; I cannot answer the question; at the sessions some are sustained.

9264. *Chairman.*] You cannot say whether there are more decisions of the stipendiary magistrates reversed than of the honorary magistrates?—No.

9265. Mr. *W. Brown.*] With respect to the stipendiary and honorary magistrates, it probably might be very well for those securities to be determined

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by the stipendiary magistrates, where stipendiary magistrates are. But in many places in the country there are no stipendiary magistrates, but only honorary magistrates, where the population is so much less; they would have as good an opportunity of judging of the standing of parties offering themselves for securities, as the stipendiary magistrates would in a large place?—I should think much better in country places. All I have advanced here is relative to the London district, and what I have observed as chairman in my own local district.

9266. *Chairman.*] What you mean with respect to the magistrates who generally act in the country is, that from their circumstances they have greater means of knowing the character of persons?—Certainly.

9267. That would not make the magistrate himself independent of local interests?—That I cannot know; I cannot know what other magistrates may be; but as far as I am concerned myself, I am perfectly independent, not being connected with any brewer, or any interest of the kind.

9268. But the advantage of the stipendiary magistrate, I presume, is, that he is a person of legal education, constant experience in the application of law, and quite independent of local interests?—Yes.

9269. And therefore his decisions are generally more regarded than those of the unpaid magistrates?—Yes.

9270. Mr. *Barrow.*] I have not had long acquaintance with the metropolis, but is it not the fact, that the stipendiary magistrates some years ago, did license public-houses in the metropolis, and that the power has been taken away?—They can give a temporary licence now, under certain circumstances.

9271. Am I correctly informed, that the stipendiary magistrates now are precluded from sitting on licensing days?—They never do.

9272. And that formerly they did hold licensing sessions?—Yes; and the county magistrates equally presided at the police courts. I have presided there sometimes, but they are no longer, under the last Police Act, allowed to act; none but the stipendiary.

9273. Do not you think there is some advantage in that, because the stipendiary magistrate who decides on a complaint against a person who had been licensed, should not be the person who had himself granted the licence?—I do not quite understand the question.

9274. I grant a man a licence because I approve of him; I might be supposed to have some tenderness of feeling in his favour if I heard the complaint against him; whereas in London there is a separation of those two offices, the honorary magistrates grants the licence, and the stipendiary magistrate hears the complaints; do you think it desirable that the same person should hold both those offices, that they should be both in the same person?—I think in all cases that there should always be the power of appeal from any decision.

9275. *Chairman.*] If the system continues, as it is now, there is no power of appeal?—In all cases, I think, the power of appeal is a just matter.

9276. Is it your opinion that granting a licence should not be a matter of accident or discretion, but that the terms and conditions on which a man could claim it should be pointed out, and determined by law beforehand?—Most certainly; that is my opinion.

9277. I think I understood you to say before, that you would put every house under the authority of the police, whether coffee-shops or saloons, or concert-rooms, or any places of that sort; you would give the same power to the police to enter?—Certainly.

9278. And with respect to closing, you would subject them to the same rules as the public-houses?—I do not apprehend that a public-house can be closed at any hour.

9279. It has been made as a suggestion, and it is the prayer of most of these petitions that have been referred to this Committee, that the public-houses should be closed at a certain hour every night, and for a longer time on Sunday; would you distinguish one house from another in that respect, coffee-shops, or public-houses, or beerhouses?—If there was a regulation I should put them all on the same footing. I should not make any difference.

9280. Perhaps you are aware that they are all on a different footing now?—Yes.

9281. Mr. *W. Brown.*] How would you treat such a place as Willis's rooms?—I answered the question by putting them all on the same footing, but the question

question of closing houses at a particular hour admits of very great consideration; the convenience of the town, and the convenience of parties arriving, and various things must be considered.

9282. *Chairman.*] You are not prepared to say, as some witnesses have, that there would be no public inconvenience in closing all the licensed victuallers, as well as beerhouses, at 12 o'clock at night?—I think it would subject to the utmost inconvenience.

9283. It is said when there is riot and disturbance it generally occurs after midnight?— If they are under regulation and proper inspection, the fear of losing their licence, or penalties, they would keep their houses in good order. I think it an immense hardship to a person arriving late in town that he should not be able to get refreshment at one or two o'clock in the morning.

9284. You think that under the present system, the houses must be left open all night?—As far as my opinion goes, however objectionable it may be in some ways, it is more objectionable to close them against the public.

9285. Mr. *W. Brown.*] How would you deal with such places as Willis's rooms, where refreshments are furnished, and where none but the most respectable inhabitants of the place are admitted; would you require such places as those to take out a licence, or should it come under the licence of the restaurateur?—I think if you make a distinction you will have a difficulty in carrying out any system; I do not see any reason why, where refreshments are given, the persons should not take out a licence.

9286. *Chairman.*] You would not be afraid, if that should be the law in future, of too many houses being opened?—Not with good security.

9287. But you would not apprehend that there would be too many public-houses under the circumstances?—There would hardly be more than what I have stated of the licensed publicans in our little district.

9288. Mr. *Barrow.*] With the securities you propose you would close one house in ten?—Half at least.

9289. *Chairman.*] It is not one of the effects of the present system, to keep down the public-houses, and fix the number precisely suited to the district?—No.

9290. The magistrates cannot ascertain what the requirements of the district are?—It is very difficult to ascertain.

9291. That rule is the one which professes to guide them?—In granting fresh licences; no fresh licence would be granted where there are a great many; or on the occasion of a house being shut up, or becoming bankrupt, as in the case I mentioned before, the magistrates took the opportunity of diminishing the number, and then the quarter sessions upset that decision, and granted it. That is what I wanted to point out particularly to the Committee: the manner in which it stands, and the futility of any endeavour on the part of the local magistrates to benefit the style of the houses.

9292. Does the appeal lie to Serjeant Adams?—To the quarter sessions; to Serjeant Adams you may say, because I rather believe that the assistant judge alone might decide the thing, certainly with one other magistrate.

9293. That is never the case, is it? Hearing appeals from brother magistrates is an interesting occasion, and draws a full meeting, does it not?—Often.

9294. And the assistant judge never does decide on those appeals?—I do not know what he does.

9295. But you have the power to hear the appeals from your own decisions?—Yes; I might vote also, but it has never been usual to do so.

9296. Have you any further suggestions to make as to the amendment of the law as it exists at present?—No; I think not.

Daniel Whittle Harvey, Esq., called in; and Examined.

9297. *Chairman.*] YOU are the Commissioner of Police for the City of London?—I am.

9298. Your jurisdiction is co-extensive with the City?—Yes.

9299. How many men have you under your direction?—Five hundred and thirty-two.

9300. What is the population of the City?—The numerical population is about 120,000; the resident population is very considerably less.

9301. Do you give directions to the police to inquire into the conduct of the public-

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public-houses in the City of London?—The conduct of the public-houses, and all houses which are licensed for the sale of spirits and beer, are under the peculiar cognisance of the police.

9302. That is, you direct them to watch these houses and to report to you; do they take out summonses on finding them offend in any way, and cause them to appear before the magistrates?—All cases of misconduct are reported in the first instance to myself, and upon the representation made by the officer, I intimate by a written document the desirableness that a summons should be issued; no summons is served upon a licensed person until the summons for his appearance before the magistrates has received my sanction.

9303. What magistrates are they summoned before?—The aldermen, who sit in rotation at Guildhall, and the Lord Mayor at the Mansion House.

9304. Do they have an annual licensing day?—Yes.

9305. For that purpose?—There is an annual licensing day; I believe it is held early in the month of March, previous to which it is my practice to transmit to the alderman of each ward a representation of the conduct of every licensed individual as the same has been brought under our notice, distinguishing such cases as have been investigated by the magistrates, with the result of such investigation, and such cases as may not appear of sufficient importance to bring under their notice, but which bespeak irregularity in the conduct of the houses.

9306. So that the magistrates are perfectly informed, through your means, of the conduct of all the houses that are licensed, and that are applying for a renewal of those licences?—Yes; and I believe it is the practice of each alderman to submit this periodical representation to his Common Council, and the principal inhabitants of the ward; and upon the licensing day, those cases which are the subject of special inquiry, as suggested by my returns, are deferred for a few days, while to those houses against which there is no impeachment of any kind, the licences are forthwith granted.

9307. What is the rule with regard to granting the licences; the magistrates know nothing from you of the publicans who apply for licences, but decide on their own judgment whether those persons so applying shall have licences; is that so?—I think the course pursued when an application is made for the first time by a person who seeks a licence, is to lodge a representation of his intentions with the clerk of the peace, together with any representation from his neighbours as to his personal qualifications, as also to the desirableness of the public-house which he may seek to license in the vicinity.

9308. Then that evidence is submitted, for the first time, to the magistrates when they meet for the purpose of licensing houses?—I consider so.

9309. There are, then, a great number of applications annually, but only a certain number of licences given?—I am not aware of the average number annually; it is considerable, and the number who are successful is comparatively small.

9310. Then could you inform the Committee what is the rule that the magistrates proceed upon in the City of London in deciding upon these conflicting claims?—I have no knowledge of the data upon which they either grant or withhold the licences.

9311. Who are the magistrates that attend; is it the magistrate from each ward?—I apprehend that the alderman of each ward, as a magistrate, can attend, but what the arrangements are for the distribution of labour amongst themselves I am not acquainted with.

9312. You do not know what practically does occur, or what is the usual course with respect to the attendance of magistrates on the licensing day?—I am not acquainted.

9313. The Middlesex magistrates have not concurrent jurisdiction in the City with the aldermen?—No, none; not in such cases.

9314. Can you state what is the usual course adopted by applicants for licences; do they get heard by counsel on the occasion, or do they attend themselves to enforce their claim?—I believe it is not unusual for them to attend by counsel, and solicitors, and probably not unfrequently by themselves.

9315. You cannot give the Committee any information as to the mode in which the decisions take place upon these occasions by the magistrates?—No; I am not aware of the course that is pursued to test the evidence that is offered, either for or against the application.

9316. Have any cases come within your knowledge where persons have applied,

applied, have been refused, and have complained?—I have heard of cases in which they have been refused. I only infer the refusal has been complained of by the absence of success. I am not aware of any actual case of complaint, but I am aware of cases of refusal.

9317. I presume that it gives a great value immediately to premises obtaining this licence, and there is a great conflict of interest, therefore, amongst these applicants?—A licence is a boon of great value.

9318. Is there any canvassing, that you know of, that goes on for the purpose of obtaining these licences?—The petitions of parties for the licence, and against it, are signed by persons upon application for either object.

9319. Do you know whether the magistrates require the signatures to memorials of any of the parochial authorities, or any persons, who, from their official position, may be considered responsible for their signatures?—I speak with some hesitation, but I believe that such applications must be sustained by the churchwardens; how far numbers, or the character of the petitioners sway the decision, I can only infer from one particular case which has been brought under my notice.

9320. You have had a case brought under your notice?—Yes, and that recently; a case in which, if I could have allowed my own feelings to interpose, would have been decidedly adverse to the petition, but not only did I decline to sign any petition against it, but I should have been pleased if the man had succeeded, because I think he ought to have succeeded.

9321. Can you state that case to the Committee?—The name of this man is Pocock, and he keeps a well-regulated eating-house next door to the chief police station, in the Old Jewry; he has done so for some years; and he brought to me, some few months since, a petition to the magistrates of the City, which he requested me to sign, and I only withheld my name because I did not think it exactly compatible with my position as a Commissioner to sign either in favour or against such an application. His house is next door to my own. Therefore, if I had any apprehension that the man who can sell provisions would be a nuisance to myself when he had a licence to sell wines and spirits, I might have been induced to oppose it, but I do not consider that there was any real inconvenience arising from it, or that any would have arisen from it. He was, I believe, supported in his application by a petition signed by several of the respectable inhabitants of the vicinity, and by some hundreds of very respectable persons who frequent his house; their names, residences, and pursuits were given in his petition. It was opposed by a petition signed by a select number of the inhabitants, highly respectable in themselves, but far inferior in number to those who had signed in favour of it, who were equally respectable. There is this remarkable circumstance attached to this petition, which I may state as illustrative of the facility with which petitions, either for or against, a licence may be obtained, that a highly respectable legal firm signed the petition against, while the same firm signed the petition in its favour, with this difference in favour of the object, that the member of the firm who signed it was in the habit of dining there, and, therefore, could tell how well the concern was conducted.

9322. He was in favour of it?—Yes; he is a member of a profession, with whom taking both sides is not unusual.

9323. This was on the last licensing day?—Yes; I have got the petition here.

9324. You stated that he was not successful?—I cannot positively say it was the last licensing day, but he was unsuccessful when he applied.

9325. Had he persons applying for a licence near him in that neighbourhood, or was it the influence of the memorial presented against his having the licence that determined the bench?—I should consider that the course which I believe is adopted, might have a material influence on the decision. I believe that in all cases the feelings of the Common Council of each ward are consulted; and if they are found, or the majority of them, unfavourable to the petition, that very pointedly controls the decision. In this case the Common Council were divided; and, perhaps, not to deprive the opponents of the measure of all the weight that belonged to their petition, I ought to say, that one of the Common Council, and petitioner against the licence, is one who keeps a public-house within two doors of the man who was seeking a licence.

9326. One of the persons who signed the memorial against him?—Yes; being also a churchwarden. I should also say, in favour of the petition, that the rector of the parish, who preaches there every Sunday, was in favour of the petition

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and signed it, while the churchwarden, who is a publican and common-councilman, was adverse.

9327. Lord *D. Stuart.*] Did I understand you that it was necessary always to have the signature of the churchwarden?—I speak with some hesitation; but that, I think, is usual.

9328. *Chairman.*] The fact was, as you have stated it, that this man was refused, and the person opposing him had an interest himself, and, in fact, had a public-house that would have been injured by a new one being established?—I do not mean to say he would have been injured; he might have that apprehension.

9329. As far as you know of the practice of the magistrates in the City, it is to defer to the opinion of the magistrates of the Common Council, that is, to the aldermen of the wards?—That is, aided by the opinions of the inhabitants. I think the Common Council, and the principal inhabitants of each ward, are consulted by the respective aldermen.

9330. There was nothing illegal in the course that was pursued in this case, and it is one that might be of constant occurrence, and might recur in that particular district, where a person without any objection to his character, and with some advantage to the district itself, might be refused, and another person prevail, who had an interest in memorialising the bench against him?—It is a class of cases in which I consider no licence ought to be withheld. There are many keepers of what are called chophouses, to which merchants and tradespeople, who reside out of the City, have recourse daily; who, though they can have beer, if they call for wine or spirits cannot be supplied. These houses are let at great rents; are well conducted; and it certainly does appear to me to be strange, that these persons should not be authorised to sell spirits and wine, as well as chops and cutlets.

9331. Mr. *Gregson.*] You mean to say you would grant a licence to all these houses?—I would grant a licence to every person under certain police regulations; but, as regards this class of persons, I think it ought to be granted on application.

9332. *Chairman.*] This is a sort of case that could recur in the city of London, as elsewhere, that a decision of an arbitrary kind, as it has been stated, can be come to without apparently having any public consideration in view?—I do not impute it to be an arbitrary decision; that is a matter of opinion; I only state the facts which were brought under their notice.

9333. We may infer, from your statement of the case, that it was one in which the petitioner had everything to recommend his obtaining a licence?—Yes, I think so.

9334. And, therefore, licences now may be refused capriciously?—I am not prepared to attribute the decisions to caprice; my impression is, that if the applicant had been supported by the majority of the Common Council, and by the alderman of his ward, that the decision might have been different.

9335. In spite of the churchwarden and the public-house that he keeps?—In spite of the churchwarden, and from respect to the clergyman.

9336. In deference to the clergyman who signed for the unsuccessful applicant?—Yes; that would have been the fair inference.

9337. Mr. *Barrow.*] Do I understand you that the new applications for licences, as well as the reports of misconduct on the part of old houses, are usually submitted by the alderman to his Common Council?—I think so.

9338. And that the decision with regard to those new licences is ordinarily regulated by the opinions of the majority of the Common Council?—I think it has a great effect.

9339. Is not the Common Council ordinarily the fair representative of the opinions of the ward or the district?—That is a matter of opinion. I am not in favour of any right being determined by the discretion of any parties; the publican is a very powerful patron of the ward; the election of the Common Council might depend on his exertions and good opinion; there may be, for aught I know, common councilmen who owe their return chiefly to the efforts of these gentleman, and assuredly upon the application for a new licence these licensed victuallers would be very active in their opposition, and consequently would press their pretensions with considerable weight on those they term their representatives.

9340. Therefore I understand that your remedy for that would be, to allow any man to sell liquor or spirits?—As a general principle.

9341. Without reference to any party's permission?—Yes, except as to reference

ence to character, and other circumstances which the magistrates or the law might prescribe as the best mode of preserving public order and social regulations.

9342. In that case, I apprehend you imagine that there must be some person, or some Board, to whom the power of considering the reference to character and the securities to be given should be entrusted?—I should pursue something of the same course that is now to be pursued in reference to hackney carriages; after the 1st of October next no man can have his carriage licence who does not first intimate his desire to have a licence, giving the particulars of the carriages, and horses, and harness which he proposes to use; the carriages, horses, &c., are to be inspected by persons fitly qualified, and upon their report to the Excise or to the Inland Revenue, the licence must be granted or withheld.

9343. To the superintending officer of the Government?—Yes, they are then entitled to their licence, or otherwise.

9344. Then in the same way I understand you would propose, instead of the notice given at present by the applicant for the licence, who brings his application under the consideration of the Common Council and the inhabitants of the ward, and the aldermen, that they should be at liberty to make that application known to some accredited authority, and upon making that known, and producing security for his good conduct, he should be entitled to his licence?—Yes.

9345. *Chairman.*] As I understand you, you think that a person intrusted with this power, should be independent of the local interests of the place where the applicant intends to carry on his business?—He should be independent of local interests, and responsible to higher authority.

9346. Your experience is founded on observing the opposite system, where a person granting a licence, and in whose discretion it is to grant it, or withhold it, is closely connected with the place, and may have local interests?—I should regret its being attributed to my opinions, that I consider there is anything of a censurable character acting upon the minds of the magistrates, but I consider the system in itself vicious.

9347. And you are speaking now of the City of London as you have observed it; for instance, although the aldermen of the ward are likely to be acquainted with all the circumstances of their ward, yet they may be so far connected with some particular interest as to disqualify them to decide judicially upon it?—I cannot suppose that the aldermen of the City of London are peculiarly exempt from influences which determine other men.

9348. I understand, with respect to this licensing system, that when the magistrates meet together in the City, to agree upon who shall have licences, or who shall not, the body of magistrates so collected refer to each alderman as to the persons applying in their wards, and, therefore, it is in the discretion of that particular alderman almost to decide who shall have licences in his ward?—I take for granted that the opinions of the alderman of each ward, especially when sustained by the majority of his Common Council and the principal inhabitants, would have a very decided influence on his fellow magistrates.

9349. But looking to that as a system, you say it is not sufficiently independent of partial influence, or peculiar bias?—Certainly; it is not so impartial as I consider it desirable it should be.

9350. Mr. *Barrow.*] Then there is an appeal from the decision of the magistrates who grant, or refuse, the licences at present: in London it may be otherwise?—I think there is an appeal to the Court of Aldermen, over which the Recorder presides.

9351. Then these parties, subject to that influence to which all the community is subject, are subject also to these appeals?—Yes.

9352. Suppose you transfer the authority to the stipendiary magistrate, subject also to those influences to which human nature is subject, would you leave his decision without appeal?—I have already said that this accredited officer should be responsible to higher authority, the same as our police magistrates.

9353. To whom is the appeal to go from his decision?—That is a point that I have not considered, but I do not consider it a difficult one.

9354. Mr. *Gregson.*] Probably the Inland Revenue Office or the sessions in the adjoining county?—I am not prepared to commit myself to a suggestion of that importance. I take for granted, where an appeal ought to be made, it is not difficult to determine the proper quarter in which it shall be received.

9355. Mr. *Barrow.*] That is the difficulty I want you to solve; if the superintending officer is appointed by the Secretary of State, subject to all human

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influences as other men, would you put the appeal from the superintending officer to the person who appoints him, or from whom to whom?—If the applicant conforms to the obligations of the law, there will then be no discretion, any more than in the case I have alluded to of the hackney carriages. If the Commissioners of the Metropolitan Police certify that the applicant has conformed to the requisitions of the law, the Excise Office have nothing to do but to grant the licence; and although I am not prepared to say that I consider licences to public-houses ought to be granted with the same facility, or upon the same slight guards as apply to hackney carriages, I consider the principle ought to prevail; and the qualifications which the applicant must bring under the notice of the proper authority is a matter for legislation.

9356. *Chairman.*] You would make it compulsory on this public officer to grant licences to publicans?—I make the requirements of the district no consideration in the matter. The capitalist who is disposed to take a house, with a view to its being licensed, must determine for himself. What the law has to determine is, as to the man's character, which I should infer to mean the absence of anything against it; that the house which he proposes to occupy is of a given rent; and that he can give sureties to such an amount as the legislature should impose for the observance of those obligations which the law enjoins.

9357. That I understand you to suggest, in lieu of or in preference to the discretion now exercised by local magistrates?—Precisely so.

9358. Mr. *K. Seymer.*] I understand you to say that, just as the licenser of public vehicles would not inquire whether more public vehicles were wanted, so the licensers of public-houses should not inquire as to public-houses in the neighbourhood, but leave that to competition?—Just so. Formerly the plates for hackney carriages were as much sought after, and as much the subject of favouritism, as wine and spirits licences may be presumed to be; but now the number is only limited by the discretion of the applicants.

9359. *Chairman.*] I understood you to qualify, so far, the analogy to the case of hackney carriages, by distinguishing this trade from all others; perhaps implying that there is something dangerous in it, and that you want further assurance of the character of the person who is to receive the licence, and that you propose to get by his sureties, or by the rating of his house, or some of those tests or conditions which people are in the habit of looking to?—Precisely.

9360. Mr. *Barrow.*] To what extent or object would you direct the security: you are well aware that there must be a penalty in every bond; do you mean that that penalty, of whatever amount, should be recoverable on every offence, or that there should be any power in any shape to proportion the penalty to the extent of the offence which has been committed?—The liability of the sureties, I should apprehend, would be limited to the amount of their obligation.

9361. Would you levy the amount of the obligation on every offence, great or small?—Where not paid by the offender.

9362. Would you then weaken the condition of the bond thus: that you would subject the man to the same penalty if he had served a pint of ale after the limited hours, and to the same punishment as if he had kept an exceedingly disorderly house, and there had been a riot and disturbance in it?—The obligation of the bondsmen is to have no reference to the crime which incurs the penalty.

9363. That is what I ask you; whether you would make the penalty equally the same for any extent of offence?—I consider the bond to be no slight test of character; if a man who proposes to have a house licensed can find two persons who will be his sureties, which, in fact, means that he will conduct himself according to law, it is no slight testimony to the character of the man; but, of course, the law will provide against a series of penalties. After a man shall have incurred two or three penalties, there ought to be a very summary mode by which he can be divested of the licence.

9364. Mr. *W. Brown.*] You are aware that, under the existing laws, where heavy penalties are incurred for smuggling or any illegal act, if the party feels himself aggrieved by the penalty being larger than the offence ought to be punished with, he frequently appeals to the Treasury, and frequently has it mitigated?—I am aware of that.

9365. Might not a similar appeal be made in the case of public-houses?—It must be borne in mind that the penalties imposed by the Excise laws are of a much heavier cast, and are very cumulative, so that unless such a power existed incarceration would be perpetual. I remember moving, myself, in the House of Commons

Commons for a return of all Crown prisoners confined for penalties, so that there must be a discretion somewhere to release those persons.

9366. Assuming that the bonds were made much larger, and the penalties much larger?—If I were on the Committee to advise the best mode of carrying out the plan I have ventured to suggest, the amount of the penalties would form subjects of consideration.

9367. *Chairman.*] I think, from the nature of your evidence, you seem to imply that there is, and perhaps ought to be, considerable apprehension on the part of the public as to the mode in which these houses are conducted, and you have suggested the mode in which you think they would be well conducted, and better than they are at present; what is your experience as to the conduct of these houses? Are they attended with many irregularities in the district with which you are acquainted?—I can give to the Committee the number of licensed houses in the City, as also the number of complaints which have been within a limited period made against them; but I should say that in the main the public-houses in the City are well-conducted, and that there is a decided disposition among those who keep them to assist the police in the observance of the law; still I think that the present system might be improved, so far as the diminution of offences which are termed disorderly. They chiefly arise at a late hour of the night, and if publicans were enjoined to shut up their houses at 12 o'clock on every night, as they are on the Saturday, it would greatly aid the preservation of peace and order without being of any prejudice to the public; giving of course to the magistrates the power to determine whether the case brought under their notice is one that calls for their interposition, because there are classes of the public who require that public-houses should be opened after the time that I state, the representation of which to the magistrates would be the exoneration of the party from the penalty; as, for instance, there is a public-house in the neighbourhood of "The Times" office, whose men are at work throughout the entire night, and who require during the hours of the night such articles as the publican sells.

9368. Mr. *W. Brown.*] Should not houses also be open to accommodate travellers?—They are accommodated at hotels, and coffee-houses, and places of that description, the keepers of which are not compelled to close their houses, nor would it be desirable they should be.

9369. Ought public-houses to be on the same footing?—Yes. We find more violations of the law taking place in coffee-houses which are not under the cognisance of the police, than in public-houses. When the publicans are compelled to close their houses on Saturday night, many of their customers, who are well known to the police, resort to these coffee-houses and are there received; and it is immaterial, either as regards disorder or combination for illegal purposes, whether they meet in the coffee-houses or in the public-houses. It would, therefore, appear desirable, if it can be done without undue intrusion upon the rights of individuals, that coffee-houses which are not licensed should be placed under the superintendence of the police.

9370. *Chairman.*] You were proceeding to tell us what proportion of these houses, out of the whole number existing in the City, do offend, as far as you are cognisant of it?—The number of licensed houses to retail wine and spirits within the City at the present time is 626; of that number 575 are reported to be well-conducted, 13 indifferently conducted, 5 badly conducted, and 33 encourage prostitutes.

9371. Is that for a particular time; is that for last year?—That is for the last year.

9372. You have been in your present situation for some years past; is that above the average?—I have been Commissioner of the City 14 years. I have before me returns which enable me to state, that I do not consider there is any material variation in my present statement upon the average of years, except as regards prostitutes; not in reference to the encouragement of them by public-houses, but in the number of prostitutes brought to the police stations for disorder. The number is very greatly on the decline: as for instance, in 1846 the number of prostitutes brought to the stations as disorderly was 110; and in the year 1850, it was 38; in the year 1851, 37; and last year only 27.

9373. Those are cases of drunkenness as well as disorder?—Disorderly conduct.

9374. Have these houses that are reported by you, or at least to you, as being ill-

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ill-conducted, had their licences for some years past; and is their conduct brought before the aldermen or the body of magistrates?—The conduct of offending victuallers is brought under the notice of the magistrates by whom they are fined and cautioned. I am not aware of any licence that has actually been withdrawn, but there may have been.

9375. Then if they are generally well-conducted in the City, and they seem to be so by the return you have made, it is not from any apprehension of the withdrawal or non-renewal of the licence by the magistrates, but owing to the vigilance of the police in informing against them, and subjecting them to the penalties to which they are liable?—I think much is due to the vigilance of the police; and a great deal to the disposition of the publicans to observe the law; because the number of transgressors, with reference to the whole, is comparatively few.

9376. Then, as far as the result goes, there is no great evil flowing from the present system of licensing the houses after they have got their licences; there may be injustice done and there may be caprice in dealing with the original applications; but after they have once got their licence they fall under the jurisdiction of the police and are controlled?—I have no reason to believe that any licence has ever been withdrawn from capricious motives, nor am I aware that any licence ever has been withdrawn, but to that I cannot speak with accuracy; it does not come under my notice.

9377. Then would you apprehend any danger to public order or the general peace of the City if the system were adopted which you have suggested, that people should have a right to be licensed on complying with certain conditions?—I consider that if the number of licensed houses was doubled in the City, the public would have no more reason to complain of irregularity and disorderly conduct than now. On the contrary, I should be inclined to think that competition would be contributory to the observance of the peace.

9378. The general notion is that the more houses there are of that kind the more drunkenness there will be; explain how competition will prevent that?—First, I do not consider that the increase of houses augments the numbers of those who use them; it would only lead to the distribution of the customers, not to their augmentation. There are abundant houses into which persons may go without inconvenience as to distance; it would be merely a choice of houses, the same as when an individual goes into any shop.

9379. You do not agree with those who have stated to this Committee that in proportion to the limitation of the number of these houses where intoxicating liquors are sold, so are the habits of the people as to being drunk or sober?—Quite otherwise; if public-houses were very rare, so that to enter them would be an object of curiosity, I could understand that the paucity of houses would act as an attraction; but when every street has its public-house, and several many, there is no novelty. They enter the houses to have their wants supplied, and the only difference would be finding taps less crowded. There would be a distribution of customers; or they would be regulated, which is very much the case, by a popular feeling towards particular houses. If you were to walk down Shoreditch in the evening, you would find one house, not very attractive, crowded with gin-drinkers; while another, which radiates the streets by its lamps, would scarcely have one, and the solution of it is that one has got a popular flavour. And so it is with those who consume beer; there are classes who prefer one beer to another. One set will not touch one brewer's beer; it is frequently a matter of complaint that publicans are obliged to change their brewer, because the beer does not suit the palate of the customers. The beer at Pimlico would not, perhaps, suit persons resident in Whitechapel.

9380. The 626 houses are not all the houses where people would find intoxicating liquors; they are not the only places of accommodation which the people in the City have; there are beerhouses?—Yes.

9381. And places where wine is sold under the vintner's privilege?—As to the licensed beerhouses, the number is 138, of which number 131 are well-conducted, five indifferently, and two badly conducted.

9382. The object of that question just now was to know whether there was as much means of getting drunk as the people could possibly wish, supposing their habits in the City were drunken at present?—I apprehend the licensed houses and licensed beerhouses in the City are abundantly sufficient to intoxicate the entire population.

9383. There is nothing in the price of the liquor, or the access that the public have

have to it, that creates any obstacle to drunkenness, if the people were so disposed?—I am not aware of any.

9384. The question was with a view to ascertain whether, if the houses were to increase under a more open trade, it would have that demoralising influence which has been suggested by some persons as a reason for continuing restriction?—As I said just now, I very much question if a return was made by all the brewers of the quantity of beer supplied to the existing houses, that there would not be any difference in the quantity consumed if the number of houses was doubled.

9385. Mr. *W. Brown.*] Would not the greater distribution of the company rather have a tendency to decrease drunkenness, for society induces people to linger about the public-houses; if a man meets fewer, there is less disposition to get drunk; for we are social animals, and do not like to part with company when we meet with it, and we are disposed sometimes then to take a glass extra?—I do not think that feeling would have any material influence; some persons may enter a public-house, because it is social from its numbers; others may find out a snug house, and like it because nobody else is there; it is a matter of feeling.

9386. Do you not think that the temperance societies are exceedingly useful in enabling parties who prefer to be teetotallers, when their friends ask them to go and take a glass of ale, to say, "No; I belong to a temperance society; it would be breaking my vow;" would not the same effect be produced in the public-houses where there were a great many individuals known to the person who would induce him to take a glass when he would not otherwise do so?—Occasionally numbers may stimulate to irregularity; but I do not apprehend that persons at a dinner table regulate their appetite by the number present.

9387. Do you think it would not, to any great extent, be injurious?—No; I cannot see it.

9388. *Chairman.*] The number of places of this kind have not been diminishing in proportion to the population in the City; I mean where spirits or intoxicating liquors are sold?—I should think not, because the licence is a valuable property.

9389. But these 138 houses must have been only since the Beer Act passed?—Yes.

9390. Would you say that these beerhouses, and places where people can get drunk, have increased in proportion to the population, compared with the former period?—I should consider that the beerhouses are in addition to existing licensed houses at the time, and that possibly the cheapness of their article may be an inducement with some to drink who could not previously afford it.

9391. What is your experience with respect to the habits of the people; notwithstanding this increase of houses of public entertainment, and the cheapness of the liquor; is it that they have become more or less drunken during the last 20 years?—I think there is very little declension in the numbers who are the worse for liquor, but a considerable decrease in those who are actually drunk. Right-down drunkenness, in its unconscious sense, is not so common.

9392. That is, that people do not drink to excess as they used to do?—No.

9393. Although the facilities are greater?—We have no decrease in the number of persons who are brought to our stations, to be taken care of, for an hour or two.

9394. The number is pretty stationary?—Yes; I find no decrease in the number of that class of persons whom the police think it prudent to take to the station to recover themselves. We allow them when they are recovered, and there is no charge against them, to depart; formerly they used to be brought before the magistrates. That operated very severely. But of those who are drunk and disorderly, and the disorder arises from their being very drunk, the number decreases.

9395. Not only have the beerhouses been in addition to the public-houses that used to exist, but there are other places of public entertainment which have increased very much of late years, such as coffee-houses?—The number of coffee-houses in the city is 196, of which 189 are well-conducted.

9396. How is it known to the police that they are well-conducted?—Because we never see anything to complain of.

9397. But there are not the same powers of entering that there are in the beerhouses, or the victuallers' houses?—Not the coffee-shops; the police have not the power to enter unless they are called there upon some occasion requiring their aid.

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9398. The cannot commit some offences, such as may be committed in beer-houses and public-houses?—No; but if the public are not annoyed by proceedings in coffee-shops, we infer that there is no ground for it.

9399. Do we understand that the men, under your control, make inquiries about these houses?—Yes; I have said 189 are well-conducted, three are indifferently conducted, two badly conducted, and two encourage prostitutes. The minuteness with which this return is made bespeaks the attention paid to the subject.

9400. There are certain offences that perhaps would not be considered so by the police under your control, such, for instance, as offences against the revenue laws, selling spirits, and selling any drink besides those that they advertise to do?—Those cases are very few that are brought under the notice of the police.

9401. I think you state there are two reported to be in connexion with brothels?—No, not in connexion with brothels, but they encourage prostitutes. If I am asked for a definition of that, I say it means where they are allowed to remain for half an hour, or more, obviously to allure men into the house; not for irregular purposes, but to walk off with them as companions.

9402. Mr. *Barrow.*] Could you give me the proportion of complaints against public-houses for disorderly conduct last year?—No.

9403. They are mixed with the mere complaint of supplying liquor out of proper hours?—When I have given the return of the licences to retail wines and spirits as being 626 in number, of which 575 are well-conducted, it may be inferred that not one of those could have been brought under the notice of the magistrates. Even those that are termed indifferently conducted, may be only so far as to be occasionally admonished by the police, but I should consider the actual number brought before the magistrates and dealt with by them comparatively few.

9404. Even less than the number which are stated to encourage prostitutes; the convictions for disorderly conduct are less than the number which encourage prostitutes?—Yes; because the bare appearance of a prostitute in a grog-shop would not expose a person to punishment; it might to admonition.

9405. You said you would bring the coffee-houses under the control of the police; do I understand you to say, that you wish they should have the same power of entering them that they have of public-houses, or that you would have them closed at any particular hour?—I am individually so disinclined to trespass on the liberty of the subject, that I abstain from suggestions which appear stringent in their nature. I do not know that I am prepared to suggest that coffee-houses should be compelled to close at any given hour.

9406. It would rather seem to make in favour of your proposition as to competition; I think I understood you to say of the coffee-houses, amounting to 196, 189 are well conducted, as far as the police are aware?—Yes.

9407. Consequently there are only seven out of nearly 200 reported to be even indifferently conducted?—When we speak of well-conducted, it is not that they are inaccessible to irregular characters, because hardly any persons conduct themselves better than gentlemen who trade on the capital of others; they are very discreet and reflective.

9408. I understand you to make this distinction; out of 626 public-houses, 575 are stated to be well conducted; and out of 196 coffee-houses, you say 189 are well conducted, using the same term?—Yes; they are well conducted, so far as they have done nothing to render them amenable to the law.

9409. The coffee-houses have that open competition which you would recommend to be extended to public-houses?—Precisely; there is no restraint on the opening of the coffee-houses.

9410. Then the proportion of good conduct on the part of the coffee-houses would also imply another thing, that there was less necessity for their being put under any restriction?—It might establish it, but it would establish this also, that you might have an unrestricted system of licensing, because those who open coffee-houses conduct themselves well.

9411. Mr. *W. Brown.*] Have you any reason to suppose that inducements are held out by these coffee-houses to females of easy virtue to act as decoy ducks, in order to bring customers to the shops?—The number to which the term of encouraging prostitutes is applied being only two, I should think that is not so.

9412. Do you fancy anything of the kind occurs in beerhouses or public-houses?—In beerhouses none; and, as regards others, only in the way spoken of, not

not for illicit connexion, but merely for facility of intercourse. As regards prostitutes, I do not know that it comes exactly within this inquiry, but I think it would be very desirable that houses which are known receptacles should be open to the inspection of the police.

9413. *Chairman.*] Do we understand they are not?—No.

9414. They are subject to the law; I presume you allude to places where women reside, resort habitually, or reside for the same purpose?—Yes.

9415. These houses might be indicted if any one gave evidence against them?—It must be upon very conclusive evidence that it is a house of ill fame.

9416. But a house of ill fame is not now sanctioned by the law?—No; but it is scarcely amenable to the law, owing to the difficulty of its interference.

9417. In what way would you have the police interfere with any such houses?—I would have them call upon parties keeping these houses to register them in the same way as they are now called on to register common lodging-houses, which are in the main pretty much the same thing.

9418. Lord *D. Stuart.*] Would not that be sanctioning the existence of these houses?—Whether you can have any teetotalling system by which prostitution can be entirely prevented, I do not know; but I am satisfied it would be a good thing to put it under regulations; you would not have, as we now have, hundreds of prostitutes parading the streets from Temple-Bar to Aldgate Church, seducing and alluring the young men, hundreds in number, belonging to the great establishments of the City.

9419. *Chairman.*] You think it would tend to promote good order?—Yes.

9420. Without increasing prostitution?—Yes; but to preserve many young men from contamination.

9421. You think these women infest the streets very much, because their houses are not registered and known, and thereby subject to the inspection of police?—They are to be found in the streets.

9422. Mr. *W. Brown.*] Are those houses registered in Paris?—I believe so, and the females subject to medical investigation.

9423. Do you know what the proportion of prostitutes is between London and Paris, in proportion to the population?—I do not; it is equal to the demand in both places.

9424. Mr. *K. Seymer.*] You have expressed an opinion that eating-house keepers, whom you alluded to just now, ought to have licences; do you know whether they have applied for them and been refused, except the case you mentioned?—They would not come under my notice; but I know of one instance where a person kept a very large lodging-house which was licensed to sell beer, and the party keeping it applied for a licence, and that by the year together, and eventually obtained it; but I can see no reason why, when a person possesses a large establishment, and he applies for a licence, it should only be obtained by a series of persevering applications to individuals and to magistrates.

9425. Mr. *Barrow.*] Do you not believe there are some beerhouses licensed only to sell beer in the City chop-houses, which are benefited by having no licence to sell wine or spirits, who would actually lose their custom if they were licensed to sell wine or spirits?—Then they would exercise their discretion in not seeking it.

9426. The fact is so?—It may be so; I should not suppose so; I should fancy there is no chop-house in the City, and we have many, where the keeper of it is asked for wine and spirits, and his answer is, "We cannot get the licence," who would not be glad to have a licence.

9427. Mr. *W. Brown.*] You have spoken of females being licensed in France, and undergoing surgical inspection; of course, when they are in a state in which they ought not to be, they are sent to the hospital?—Yes.

9428. Do you not think it would have a very bad effect, and encourage intercourse with these people, when men knew there was no danger to themselves?—I do not apprehend that men who are so disposed are much deterred by apprehensions of that sort.

9429. *Chairman.*] You have told us of houses that are disorderly, and suggested some securities against their being so; but are not the offences very few that any publican can have any interest in committing that should make him subject to the law; and although there may be great evils resulting from drunkenness, yet the publican personally is not likely to offend?—No.

9430. His business is to sell as much drink as his customers want, and it is their

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their misfortune if they drink too much; but what do you consider to be the offences that he can commit that makes it necessary to inquire into his character before he gets the licence?—As I said just now, it must be evidence of bad character; for instance, if he has kept a house before, and the licence has been taken from him, it might be a reason for withholding it upon application; but I should be disinclined to recognise that view. If a man can hire a house, satisfying the owner of it that he is a fit person as to his means of payment, and can get two or three friends to be his sureties for his good conduct as regards penalties, and as a capital wherewith to furnish his house, I consider those are qualifications sufficient.

9431. He, of course, has no interest in any disorder in his house; his interest must be the other way?—I should say quite otherwise.

9432. Mr. *Barrow.*] So that even a conviction for felony would not induce you to believe he would be more likely to harbour thieves and prostitutes?—I should certainly not withhold a licence from the man who is able to comply with all the requirements to which I have alluded, although he has been convicted of felony.

9433. So that money would be the only necessary qualification?—Not the only necessary qualification, but the intimation of qualification.

9434. *Chairman.*] What security would you give to the public that people should not establish a public-house in a neighbourhood that could not require it, and where it would be a nuisance; would you let that entirely depend on his own perception of his interest, take for instance any good street in London?—Take Belgrave-square.

9435. Or any place more likely where a person might establish a great public-house, and it might be a great nuisance to that street; supposing your plan was carried out which you suggest, that persons should be able to obtain a licence subject to no discretion on the part of the authority which granted it, would you give the inhabitants of that street any negative power as to his licence?—No; because that is merely the old doctrine of discretion.

9436. Supposing the majority of householders in the adjacent street were to say, "We do not want a public-house in the midst of this street; it will be a nuisance," would you allow the wish of that majority to be conclusive?—I do not consider a well-conducted public-house a nuisance; I do not consider the house next door to me any nuisance.

9437. There may be houses that do not come within the law at all, and yet may be a considerable nuisance; take, for instance, the gin palaces, with swarms of people passing in and out; they may obstruct the street; there may be some rioting in the street, not for which the publican is responsible, but all that might be a nuisance?—It might be so. That would be one of the effects of the changing influences of society. Every day the instances are countless of persons being driven from their country-houses within half-a-dozen miles of London, because there is a railroad coming close to them, or because there is a building society purchases a piece of ground, and gives intimation of all sorts of undesirable proceedings. An instance came to my knowledge within the last few months of a building society purchasing an estate in the neighbourhood of Stamford Hill for 17,000 *l.*; they immediately proceeded with waggons and barrows and all the implements for making bricks, and everything that indicated an active system of building; when a gentleman, who has a considerable mansion close by became alarmed at appearances, and inquired what it all meant. The building society, in which every man can boast of his rood of land, says, "We are about to augment the population of this neighbourhood." The gentleman asks, "Will you sell it?" "We do not mind," is the reply, "and will take 25,000 *l.*" "I will give it you," says the gentleman, and the bargain is struck. These things you cannot help; if you go to Stamford Hill and down Hanger Lane, you will find everybody leaving his house, because the opposite land is taken by building societies. You would not interdict that.

9438. You would leave it to the street or to the neighbours to buy out the publican?—In the same way as fashion has run away from Bedford-square and Russell-square, eventually the tenants of Eaton-square might leave in dislike of gin-shops.

9439. It is a stipulation in many leases that you shall not carry on particular businesses?—Yes, and let the owners of property protect themselves by whatever covenants they please; that is a matter between the contracting parties. I know

of

of no other prohibition, if a person has capital, and capital always implies caution. The man who could hire or buy a house in Eaton-square would look at his money many times before he would invest it in a house with a view to a gin-palace. He would require an Act of Parliament to divert the labouring community through the square; the navvy would run away from it; it is an absurd, exaggerated impression.

9440. Mr. *W. Brown.*] Suppose an individual was refused through the influence of a gentleman in Belgrave-square to establish a house there, or to have a licence, ought the party not to have an appeal to some superior court, to say whether there should be another house there or not?—He might have the appeal; I would not give him much for it.

9441. *Chairman.*] But at present, an appeal would proceed from the magistrate not giving a licence to a house in what may be called a respectable quarter of the town?—Yes.

9442. And if there was a right to obtain a licence, people would be careful to insert in their leases of houses in particular districts, that no person occupying them should establish a public-house?—Yes.

9443. Mr. *K Seymer.*] Provided they consider the public-house a nuisance?—Precisely. I am far from thinking that a well-conducted hotel in any one of our squares would be more objectionable than a club; but I doubt whether a person with a sufficient amount of capital would hazard the experiment; you could hardly find the man that would commit himself.

9444. Lord *D. Stuart.*] You do not find the public-house next door to you any nuisance?—It is not one.

9445. You would have no objection if it was?—No.

9446. When you say next door, do you mean next door to your private residence?—Yes.

9447. *Chairman.*] You allude to the advisability of closing public-houses at an earlier hour than they are at present; have you any reason for knowing what would be the opinions of the publicans, whether they would resist that if it was under a general regulation?—I believe that the very great majority would be pleased with it if it had equal application.

9448. Now they have trouble with their customers after a certain hour of night, and would be glad of an excuse or pretext of law to close their houses?—I think so.

9449. Mr. *W. Brown.*] You would leave them open to travellers only?—Yes, any exemption that might be deemed prudent to the satisfaction of the magistrate. If we were to summon a victualler for having his house open after the prescribed time, and he was to state to the magistrate, and prove to his satisfaction it was only open to receive a traveller, and that traveller attended, if it were requisite to confirm the fact, that is a case in which there would be no conviction.

9450. *Chairman.*] You could leave it to the magistrates to draw the line?—Yes, any reasonable representation to the magistrate would always have its just effect.

9451. Mr. *Barrow.*] Then you are not afraid of any favouritism in that particular?—I am not afraid of any favouritism, because I cannot infer any advantage.

9452. *Chairman.*] Would your knowledge of the interests of the publicans lead you to conclude that they would not object to the closing of the houses altogether on Sunday?—I am more inclined to think that there would be a majority in favour of that; I think the publicans in the City are, in the main, a well-ordered people, well off, and would be pleased to have the Sunday to themselves; but when they find their neighbours keep their houses open, their moral stamina yields to the notion of self-interest, and they think it very hard other people should be selling when they are not; at the same time, they would be very willing to pay a compliment to their principles, provided all were obliged to observe them

9453. Is there a change in the habits of the people with respect to frequenting houses on Sunday; do people leave London on Sunday and go on excursions more than they did?—Sunday is a sort of Zahara; except when the chapels and churches are pouring forth their attendants, the City of London is a perfect desert.

9454. Lord *D. Stuart.*] Would it not be inconvenient to the public, if public-houses were closed on Sundays?—There would be, of course, an inconvenience.

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9455. Mr. *Barrow.*] Would there not be some amount of inconvenience in that part of the town to which the inhabitants of the City resort on Sundays?—To have it very generally adopted would be open to great objection; it would break in on the comforts of those who go into the country.

9456. *Chairman.*] At the same time it is within your experience to know that the people avail themselves of any innocent recreations that are offered to them on Sundays, and in that respect they are changed?—I have no means, from my position as Commissioner, of knowing; and I cannot give an opinion beyond the impression I entertain, with other observing persons, that the moral habits of the people are greatly improved.

9457. You do not believe, from anything that has come within your knowledge, that the people are more drunken in consequence of going on these excursions, which they do in such thousands; you do not find more reports on the Monday morning of drunkenness?—Certainly not; on the contrary, I think the circumstance of the labouring community being able, from higher wages, to go into the country, and take their wives and children with them, is tending very much to the improvement of their character.

9458. Mr. *Barrow.*] You stated that there are nearly as many people brought to the station-house in the course of the year; of course there are fewer in proportion brought in on Sunday to what there used to be?—The number brought in on the Sunday is very few.

9459. The excursions, and so on, prevent the same number being brought in on the Sunday, which used to be the day when there were most brought?—That is one cause.

9460. On Sunday, 15 years ago, it was the other way?—Yes; it would appear so from our returns.

9461. Mr. *Brown.*] Would you think it an advantage to the labouring classes if the Crystal Palace was opened on Sundays?—I should say that whatever gives a tone to the mind of the people elevates them, and encourages habits of inquiry and observation, and is, in fact, religion, and improves them as such.

9462. *Chairman.*] But the result of these altered habits justifies your opinion that they have been in the habit much more during the last 20 years, of going out of town, by the facilities afforded them; and the result has been improvement in their habits, unattended by drunkenness on the occasion?—The termini of the railways bespeak that fact; you may see hundreds of families with their baskets of provisions, going to different distances in the country, and walking in the fields, and making the ground their table, who come home as soberly and as healthful as you could desire them to be.

9463. Then you would apprehend no evil to the City of London by any peculiar attraction being offered to the people in one place on Sunday?—Where the attraction itself is not censurable.

9464. And that if you congregate together a vast number of people by a peculiar attraction, you do not think that would be attended with any great evil to the town?—Not the slightest. I think it is desirable, as a matter of regulation, that the Crystal Palace should not be stifled with public-houses.

9465. You mean in the neighbourhood?—Yes; the immediate vicinity. I think it is undesirable; I say nothing more than that. I would sooner people go to the Crystal Palace than to the public-house.

9466. At present you would apprehend no great evil if that was thrown open, and people paid for their admission on Sunday?—I should think, to a certain extent, so far as money may be deemed an evidence of character, it is fair that they should pay, because that bespeaks means.

9467. Mr. *Barrow.*] You would apprehend, if it was perfectly open to competition, that the Crystal Palace would be liable to be stifled with public-houses until the experiment is tried?—I merely suggested the desirableness to those who have the direction of the Crystal Palace, of not having a large number of public-houses in the immediate vicinity. They must exercise a discretion in that respect; I should be disinclined to it myself. I would not give to the labouring community an excuse to go to the Crystal Palace because public-houses are at hand. If it was indifferent to them whether they went to the Crystal Palace or to the public-house, if I could avoid it, I would not give them the temptation of the alternative; they should go to see the Crystal Palace.

9468. Then I want to understand how you propose to prevent that, if you leave the power of opening an unlimited number of public-houses in the immediate

diate neighbourhood?—You might prevent that easily enough; all the neighbouring land belongs to the directors, and they could let it or not, as they please; that is a minor point, which must influence those under whose notice it comes. I do not mean at all to state that I would propose the slightest objection in law; if 50 publicans can make it worth their while to have public-houses there, I say let them; but still if I was the landlord of the neighbouring soil, I should feel disinclined to have my property so dealt with, because I think it would act prejudicially upon the Crystal Palace itself.

9469. *Chairman.*] Do you think it would require an increased force to be on the spot if the Crystal Palace was thrown open on Sunday, and as many public-houses as chose might establish themselves in the neighbourhood?—I think wherever there is a congregation of persons the police must be vigilant.

9470. Mr. *Gregson.*] Do not the labouring classes generally take Monday as a holiday as well as Sunday?—It is usual.

9471. Mr. *Brown.*] Do you happen to know whether any inconvenience arises from several public-houses being at Hampton Court, where a great number of the labouring classes go on Sunday?—I am not acquainted with that locality.

9472. *Chairman.*] You would apprehend nothing prejudicial to the good order of London, if the trade in selling beer and other liquors was thrown open, instead of being restricted, as it is at present, by the system of obtaining licences?—I do not consider, if the licences in the City were doubled, it would require an addition of a constable.

9473. Is it your opinion that they would be doubled, supposing the trade was thrown open, and that any man might have a right to a licence?—I think there would be a considerable increase.

9474. At first; but they would not continue in the same numbers?—Experience might check their increase, and diminish some of the early numbers.

9475. Mr. *Barrow.*] Do you think that there would be an increase, supposing they were under the condition of finding those securities which you proposed?—Yes; I consider that a number of respectable persons would be prepared to open houses.

9476. And that the increase would take place notwithstanding the conditions?—Yes, no doubt; a person cannot walk through the City, as a publican, or one who wishes to be so, to look out for an unoccupied spot, without coming to the conclusion, "I should like to have a public-house here;" there are plenty of places.

9477. Mr. *Gregson.*] The increase would be regulated, ultimately, by the rate of profit?—No doubt, like everything else.

9478. Mr. *Brown.*] Are you aware that, when the beer trade was thrown open, parties, finding they could establish themselves without being required to find any security, a great increase did take place, but they found it unprofitable, and then a decrease took place?—No doubt it was over-done; people retire from what is not profitable. I see no reason why the business of a publican should be interdicted, any more than any other business, subject to such regulations as public order and social propriety require.

9479. *Chairman.*] Which they have the means of enforcing now by the system of police?—Yes.

9480. Lord *D. Stuart.*] With respect to licences, you have referred frequently to the analogy of the law with regard to hackney carriages, and you were asked about an appeal, whether there should not be an appeal against the decisions of magistrates in granting or withholding licences; by the last Act the licences to hackney carriages are granted by the Chief Commissioner of Metropolitan Police, without any appeal whatever; should you like that system to be adopted with regard to public-houses?—I have already said, that although I consider the case of licensed public-houses and hackney carriages analogous, still that larger considerations enter into the system of licences for public-houses than for hackney carriages.

9481. You would not approve of a system which should grant to the Chief Commissioner of Metropolitan Police, or some other officer of that description, the power of granting or refusing licences, without any appeal for public-houses?—It is a very large power, and must be conferred with discretion; I can say nothing more than that.

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9482. You said that persons found drunk were brought to the station, and when sober allowed to depart?—Yes.

9483. Is that the practice in the City?—Yes.

9484. Is that the practice in the Metropolitan district?—I do not know.

9485. Formerly that was not the practice; but whenever a person was found drunk, whether disorderly or not, he was brought up before the magistrate?—I know that an impression prevails in some minds, that where an individual is once in the charge of the police, he ought only to be acquitted by the magistrate.

9486. But that is not your practice?—It is not the practice in these cases.

9487. I understood you to say, that formerly it was otherwise; when did that practice cease?—It was so when I entered my present office, and continued so until I traced its inconvenience, and in many cases its extreme injustice and hardship.

9488. By returns laid before the House of Commons, it appears that the number of persons taken up for drunkenness has very much diminished within the last 20 years?—Yes.

9489. Was that a *bonâ fide* diminution, or could it be accounted for by the altered practice of not taking these drunken individuals before magistrates?—I speak under correction, but I am inclined to think that the case where parties are brought to the station to remain an hour or two until they recover, and are in a fit state to go home, are not of the number of those who are returned as cases of drunkenness. There is no offence; it is merely inconvenience to the streets.

9490. A magistrate has stated in evidence here to-day that they are in the habit of hearing complaints from neighbours of public-houses, which the police take no notice of; and he seemed to imply that the complaints rather preponderate that come from neighbours of disorderly conducted public-houses over those that they get any evidence of from the police; have you any reason to suppose that the same occurs in the City that is stated to occur in the parish of St. James, which this was?—I do not believe that in 14 years there have been 20 complaints from inhabitants which have not come through the police.

9491. You have no reason at all to question the vigilance of the police, or, indeed, to suppose that they do not give information on every occasion upon which they are acquainted with an offence?—Except so far that they are frequently complained of for their vigilance. I have remonstrances over and over again from publicans, who say, "We wish you would remove police constable So-and-so," giving his number, "he is so very intrusive that we are very uncomfortable." We have complaints of their vigilance, but none of the want of it.

9492. Is there any order in the City that issues from your office, directing the police not to enter these public-houses?—I never heard of one.

9493. I think Sir Richard Mayne stated here, that the police are rather cautioned not to enter the public-houses, unless there is a charge to be given, or they had reason to suspect some disorder there?—I know of no order restraining the constables from entering public-houses; nor do I consider they do so officiously, because I have no complaint of it.

9494. The magistrate to whom I have referred, alluded to their going to some of these houses for their luncheons; you have no knowledge of anything of that sort?—I have no knowledge, but I should not be surprised at it, because I have seen a constable regaling himself at an apple stall, and defer payment for it, and I have occasionally asked some of the stall keepers whether the constables paid them; but I consider them very rare cases.

9495. And the answer has been satisfactory?—Yes; we have a very stringent superintendence in the City, I can assure you.

9496. You have no reason to suppose that you do not hear of all the offences which are committed with these houses?—I hear of them, and deal with them; anybody who has a complaint against the police, in 24 hours is directed to attend and make it in the presence of the accused.

9497. Have you any complaints of other houses besides those we have particularly referred to, such as music and dancing rooms, and places where there are theatrical representations?—None.

9498. Places called penny theatres?—We have no such theatre in the City.

9499. Not many casinos, and places of that kind?—I am not aware of any.

9500. You have some theatres in the City?—Not one; that in Milton-street is not in the City; I am not aware of one.

9501. Mr. *Gregson*.] You are aware that a licence is not granted at present, in respect

respect of any house rated at less than 15 *l.*; would you adhere to that minimum rate, that is, as regards beerhouses?—It might, perhaps, be judiciously increased in large towns. *D. W. Harvey*, Esq. 22 July 1853.

9502. It is limited, in a town of 10,000 inhabitants, to 15 *l.*, and to smaller places 8 *l.*; I speak of London: do you adhere to the minimum rate of 15 *l.*?—It is a small amount for the City.

Lunæ, 25° die Julii, 1853.

MEMBERS PRESENT.

Mr. Villiers.	Sir G. Goodman.
Mr. W. Brown.	Mr. Gregson.
Mr. Ker Seymer.	Lord Dudley Stuart.
Lord Ernest Bruce.	

THE RIGHT HON. C. P. VILLIERS, IN THE CHAIR.

James Mather, Esq., called in; and Examined.

J. Mather, Esq. 25 July 1853.

9503. *Chairman.*] YOU reside at South Shields?—I reside near South Shields.

9504. You are a distiller?—No, a wine and spirit merchant.

9505. You have been in business for some time?—Upwards of 25 years.

9506. Have you given much consideration to the subject of licensing spirit houses?—I can say the subject has forced itself on my consideration.

9507. Do many houses of this kind belong to you?—We have had houses, but we have lately invariably avoided possessing ourselves of them. We had one or two, also a house at Liverpool, that are "tied," that is, bound to take their supplies from us if we choose, but we have invariably omitted to bind them.

9508. There are houses in Liverpool which have engaged to take spirits from you?—There is one house that is bound to do so, if we choose to insist on it.

9509. Are there any evils connected with the system under which public-houses are licensed?—I think the evils are in the system; I would not on any account throw a doubt on the purpose of those who license them; the evils are in the system. There is only a certain amount of houses required for each district, and the magistrates consider, according to the number of the population, and the nature of that population, what houses may possibly be required. On their decision, the brewers, distillers, and spirit merchants seek as a matter of great moment to possess as many of these houses as possible.

9510. The spirit dealers?—Yes, and the brewers to a very large amount. The consequence is, that in our district more than three-fourths of all the licensed houses are bound to take their supplies from the spirit merchants and the brewers. We have, if I might instance it, in South Shields 191 licensed houses; I do not mean beerhouses, but with magistrates' licences, of which 123 are tied to take their supplies from brewers and spirit merchants. There are in the same town 48 beerhouses under the 4th & 5th Will. 4th; these beerhouses are nearly all "tied" to take their supplies from the brewers.

9511. Mr. *Gregson.*] What is the population?—About 34,000 inhabitants. In North Shields, the adjoining borough, where the population is exactly the same amount, or within 30 or 40 of it, there are about 292 public-houses in the immediate district around.

9512. Sir *G. Goodman.*] What is the population of North Shields?—Nearly that of South Shields; of those public-houses, 152 are "tied" houses, bound to take their supplies from the brewers and spirit merchants there.

9513. *Chairman.*] North and South Shields adjoin each other?—Yes; they are divided by the Tyne, which runs between them; they may be said to be the same population in habits, manners, and customs; they contain together nearly 70,000 people. The "tied" house system is so notorious a matter there, that

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that we have parties advertising them for sale, as houses connected in that way. I have here two public advertisements, one of which states, "with the above brewhouse will be let 31 public-houses situate in South Shields;" and the other, which relates to North Shields, states, "there are upwards of 40 public-houses which may be taken with this brewery."

9514. Are these of recent date?—The first is from an advertisement of last year, May 13th, 1852, and the other a year and a half before that period. The advertisements are as follow: "To be let for such term of years as may be agreed upon, commencing on the 11th November next, the Market Place Brewery, South Shields, situated between Spring-lane and the River Tyne, with an extensive and commodious river frontage. The brewery is complete, and capable of brewing 50 barrels at a time. There are four large and convenient lofts for barley and malt; two maltings, steeping 130 bushels of barley each, with everything necessary for making a corresponding quantity of malt; a cooper's shop, a hop loft with cellar beneath, a steam-engine 3½-horse power for grinding and pumping, a crane on the Quay, a well of water, dwelling houses adjoining the premises for the workmen, a complete suite of offices. And with the above will also be let 31 public-houses, situate in the township of South Shields and Westoe. For further particulars apply to Robert Anderson, South Shields. South Shields, May 13th, 1852." This Mr. Robert Anderson is one of the licensing magistrates, and a most respectable man. The other advertisement runs thus: "To be let, and entered upon immediately, the old and well-established brewery, known by the name of the High Brewery, together with a malting attached thereto, situate in Duke-street, North Shields. The brewery is capable of brewing between 80 and 90 half-barrels at one time; and it, and the malting, have been successfully carried on for upwards of half a century by the present occupier, Mr. John Harrison, and his immediate predecessor, Mr. James Richardson. In connexion with the brewery is a very extensive spirit trade, upon which the incoming tenant may enter immediately. The stock, trade, fixtures, casks, and utensils to be taken at a valuation, and the incoming tenant can be accommodated with a second malting, if required. There are upwards of 40 public-houses which may be taken with the brewery. For further particulars inquire of Mr. Harrison, at the brewery; or at our office, 55, Dean-street, Newcastle. Ingledew & Daggett, attornies and notaries."

9515. Do you mean to convey to the Committee that it is a matter of perfect notoriety that these public-houses are tied to the brewhouses, or in some way attached to the concern?—Yes, perfectly so; both sold and let with the brewhouse.

9516. But all have received licences from the magistrates?—Yes, they have. Perhaps I may put in here a bond by which these houses are bound to each particular brewhouse. This is one of the actual bonds between these houses and the brewer.

9517. Is this a bond entered into by the publican to comply with the terms which he engages with the brewer for?—Yes; and that he will get his supplies from him under a penalty of 20 *l.*; it is marked 100 *l.*, but the stamped bond is for 20 *l.* only.

9518. In fact, the publican is the tenant of the brewer, and he requires his tenant to enter into this bond before he enters on his premises?—Yes, that is it.

9519. It chiefly refers to taking his supplies from the brewer?—Yes.

9520. Is there nothing else in the bond but that?—There is; he must leave immediately if he break it. By the mode in which it is enforced, they become almost tenants at will. The bond is as follows: "An agreement made this 25th day of July 1853, between M. W. and E. M., carrying on trade at South Shields, as common brewers, under the firm of 'W. and M.,' of the one part, and A. B., licensed victualler, of South Shields, on the other part, as follows:—1. The said A. B. hereby agrees to rent and take as tenant under the said M. W. & E. M., and they hereby agree to let to him accordingly, the public-house known as the Royal Oak, and its appurtenances, situate in West Holborn, South Shields, at the yearly rent of 15 *l.*, to be paid without any deduction or abatement whatsoever, namely, on the 2d day of February, the 1st day of May, the 1st day of August, and the 11th day of November, in each year, during the continuance of the tenancy. 2. The said A. B. also agrees to pay all taxes, rates, or assessments now imposed or payable, or hereafter to be imposed or payable, for or in respect of the said premises, or any part thereof, during the said tenancy.

tenancy. 3. And that the said A. B. shall not, nor will, at any time or times, during the continuance of the said tenancy, buy, brew, receive, expend, sell or dispose of, either directly or indirectly, or permit or suffer to be had, brewed, received, expended, sold, or disposed of, either directly or indirectly, in, upon, out of, or about the said public-house, or any part thereof, or the premises and appurtenances thereunto belonging, any ale, beer, porter, stout, or spirituous liquors (if the said M. W. & E. M. shall deal in the same, and shall so inform the said A. B. by a notice in writing), other than such as shall have been actually had, purchased of, and delivered by the said M. W. & E. M. 4. And that the said M. W. & E. M. shall and may by themselves, their clerks, agents, or servants, at all times have free and peaceable access to the said public-house and premises and every part thereof. 5. And that he, the said A. B., shall not nor will use any deleterious preparation, mixture, or ingredient intended for the adulteration of ale, beer, porter, stout, or spirituous liquors. 6. And that the said A. B. shall and will continue the said house and premises as an inn or public-house, duly licensed for the sale of ale, beer, wine and spirituous liquors, and keep and conduct the same in such orderly, proper, and regular manner, that the licence or certificate of the magistrates may not be taken away, or refused to be granted or renewed; and, at the expiration of the tenancy, to assign and transfer in the usual manner, to the said M. W, and E. M., or to the person or persons who may succeed the said A. B. as tenant of the said house and premises, the whole or residue of the term of the licence or licences granted to the said A. B., the said A. B. being paid by the assignee the amount of the unexpired time of the said licence or licences. 7. And that the said A. B. shall and will pay regularly, every month, for all ale, beer, porter, stout, and spiritous liquors (after receiving the notice hereinbefore mentioned) sold during the month, or four weeks, then last past; or in such other manner as they, the said M. W. and E. M., may appoint. 8. And that the said A. B. shall and will deliver up the quiet and peaceable possession of the said premises and appurtenances at any of the four term days above mentioned, on receiving from the said M. W. and E. M., or having left for him at the said public-house three calendar months previous, notice in writing; and shall pay to the said M. W. and E. M. double the said rent of 15 *l.* for all the time that he retains possession of the public-house and premises after the expiration of the said notice, in addition to incurring the liability mentioned in the last clause of this agreement. 9. And further, the said M. W. and E. M. do hereby consent and agree that the said A. B. may quit possession of the said premises at any of the said four term days, on leaving at the brewery office of the said M. W. and E. M., three calendar months previous, notice in writing of his intention so to do. 10. And that the said A. B. shall not nor will, at any time or times, during the continuance of the said tenancy, shut up or close the said public-house, nor sub-let the same without the consent in writing of the said M. W. and E. M. first had and obtained. 11. And that the parties shall, during the continuance of this demise, at their own costs and charges respectively, do all and every the necessary repairs in and about the said house and premises, as by landlord and tenant respectively are usually done and accustomed. 12. And lastly, it is agreed by the said A. B. that in the event of his not keeping, observing, and performing all and every of the above conditions, matters, and things, his term and interest in the said house and premises shall therefore absolutely cease and determine, and he shall quit and give up the said house and premises, and every part thereof, without receiving or requiring any notice whatsoever; and, furthermore, he shall forfeit and pay unto the said M. W. and E. M., their executors, adminstrators or assigns, the full sum of 20 *l.* sterling for every breach of this agreement, to be sued for and recovered as and for liquidated damages, or by distress, as if the same sum of 20 *l.* were for rent in arrear, and the same shall be recoverable, either separately, or with the rent which shall be due on this demise. As witness the hands of the said parties."

9521. Is there anything else that distinguishes this connexion between the brewers and the publicans?—The effect is, that these houses are bound to take such supplies as the brewers choose to send them, and at the price they choose to send them at; in the agreement there is no specified price, neither market price, nor any other regulating price.

9522. Can you state the number of brewers and distillers in North and South Shields?—I think there are not more than eight.

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9523. In the two boroughs?—Yes.

9524. About eight brewers?—About eight brewers, and of spirit merchants there will be nearly an equal number, or about 10 possibly.

9525. Are there distillers besides?—No distillers.

9526. Are these brewers men of large capital?—Yes, they are men of good capital.

9527. Do you know of any agreement between them as to their not supplying each other's publicans?—I am not aware of any; I believe there are none; in fact, there is no necessity for any agreement of that kind, for if a single vessel, or cask of any description, of any other party, is found in the house which belongs to another brewer, and by the 3d and 4th clauses of the bond we have seen they can search it at any time, they enforce the penalty, or they turn the tenant away from the house.

9528. You do not know anything that will prevent the publican, supposing him to have reason sufficient, from breaking off his connexion with one brewer and forming one with another?—He cannot; such are the arrangements, and so stringent their operation, that I think no such case has ever occurred.

9529. It is not the usage there?—It is by no means the usage; I do not know of a single case where they would venture to do an act of that kind. It would be the ruin of the individual.

9530. What are these publicans; are they men of capital themselves, or do the premises and stock all belong to the brewer?—The premises and stock all belong to the brewer; almost invariably so.

9531. The publican is more in the light of an agent, or, in fact, a servant?—Yes, with what he can get over and above the price charged by the brewer for himself. The rate of charge generally from the brewers to the "tied" houses is from 4*s.* to 5*s.* more than to the free houses. I have here as evidence the receipts given, and also the price they were selling it at to the free houses. They charge 26*s.* the half barrel of 18 gallons to their own houses, and they are selling it to the free houses at 22*s.* Some I know sell it at 19*s.* and 20*s.*, and 21*s.*, according to the quantity, and the bargain the free houses may be able to make.

9532. These are the different prices the brewers charge to the free houses and the houses tied to the brewers?—Yes; none of them charge less than 24*s.* the half barrel of 18 gallons, while there is not a free house in the town will pay more than 22*s.*, and some 21*s.* and 20*s.* Now in North and South Shields that is the case, and the end of it is that they all pay an enormous rental. There is one case I should wish to refer to, the George Inn, which is situated in a public thoroughfare in West Keppel-street. It was calculated by the superintendent of police at South Shields, a very intelligent man, that the difference to the person who held this house amounted to about 150 *l.* per year, which was paid in excess, compared with what would have been paid had the house been free.

9533. Paid in excess for beer?—For beer and spirits; some of the brewers are also spirit dealers.

9534. What did you say about rent?—The tenant paid a rental of 20 *l.* a year, and paid over and above 150 *l.*, which if it had been a free house he would not have paid. It makes a difference of 130 *l.* as it were to the rental which has been paid in excess of price to the brewer and spirit merchant for beer and spirits.

9535. Sir *G. Goodman.*] The 130 *l.* is paid more for the quantity consumed than if it was a free house?—£. 150, as I understand the case.

9536. Presuming 20 *l.* rent and 130 *l.* additional, is that paid as an addition of price on the commodity to what it would be if it was a free house?—Yes; he paid 150 *l.* extra for the commodity; it was like paying 130 *l.* more for rental. I may give another instance; such is the value of that kind of property, that I know a licensed house which was lately let at 50 *l.* a year.

9537. *Chairman.*] A public-house?—Yes, with a small brewhouse attached to it. They had been offered for it, by a respectable man of small capital, the same amount as the party dead had paid. This was a free house, paying 50 *l.* a year; for this house a brewer stepped in, what he paid it is not in my power to show you, but this 50 *l.* from an unexceptionable man was refused, and a party who is put in by the brewer is only paying 33 *l.* rental.

9538. Do you mean that the first person who held it, held it of some person not a brewer, some independent person?—Yes.

9539. Then that person so keeping the house died?—Yes.

9540. Another person tries to get it, and offers the same rent?—Yes.

9541. And he is refused, because a brewer offers something more?—I believe something more.

9542. And the brewer, having got it, puts in a tenant?—Yes; and lets it, as it is in his power to do, at a rent of 17 *l.* less than the other party had offered for it.

9543. The person then put in pays less to him?—Less to him, taking, of course, his supplies from the brewer.

9544. Was it a free house before?—Yes.

9545. State any further particulars you know about it?—At the same time he suppresses the brewhouse attached to it, and lets it at a third less rent.

9546. Were you going to state anything that had resulted from this particular case you have mentioned, where there was this difference in the rent?—I was merely going to show that a large brewer, from receiving extra profits, places in it an agent of his own, and can afford to take so much less rental. It shows also the means of operation which the brewers and spirit merchants employ in such cases. It proves that they give a much larger price than an undeniable tenant; and they can afford to give a higher price and let it at an infinitely lower rent, because they take large profits out of the articles they supply.

9547. Now, the person that this brewer put in was not licensed before he took the house?—No.

9548. Then the next step is for this tenant, or servant of the brewer, to apply for a licence?—That is invariably granted as a matter of course; the house is licensed, and not the person.

9549. Do you mean that there is a peculiar practice in South Shields, because in all other cases where the same person applies, there is just as much inquiry into the person, or at least it is said there is, as there is as to the premises?—There is an inquiry about the character, to see that there is nothing positively evil against them; one of those negative characters which abound in life largely answers such a purpose very well. They select one of those, and the magistrates, I believe, do it as a matter of course, for I do not know of one instance in which they have refused to grant to the successor of a licensed victualler the transfer of a licence.

9550. Is it the invariable practice in South Shields, that if a person should become a purchaser of any premises, and put in any person belonging to himself, any servant or agent as a publican, that that publican being his servant or agent, is certain of getting a licence?—I believe I may say it is certain, not only in South Shields, not only in North Shields, but in the town of Newcastle, and the neighbouring towns and districts. I know it to be so also in Liverpool.

9551. Do you know in the practice of licensing these houses, in such a case as you have now mentioned, whether the brewer or his collector, or any other person on his behalf, attends before the magistrates and assures them that this is a proper person to be licensed?—The individuals attend themselves; the clerk of the brewer frequently accompanies them, and he goes through any requisite preliminaries with these individuals and the magistrates. I think some take it for granted that it is perfectly proper.

9552. Do you know whether, at the time that such a person as you are naming here, applied for a licence, other persons were applying for licences also?—They might be, but of course not for the same house.

9553. In the same neighbourhood?—There are many instances of that kind.

9554. How is it that the magistrates grant to one, and not to the other?—They examine what is called the transfer, the house having been previously licensed; they grant a transfer easily, without much inquiry, provided the character is supposed to be somewhat respectable. The transfer of a licence is certain; the refusal to grant a licence to another house, except under peculiar circumstances, is also equally certain.

9555. Do not these houses, when first applying to be licensed, belong sometimes to brewers?—They may occasionally, but not generally. The application is, however, always made in the name of another party.

9556. Generally speaking, they buy houses that are established?—Yes.

9557. And their agents or servants are mere transferees of the licence?—Yes, entirely. I would state that the effect of having houses so tied and

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managed by agents without any independence of character connected with them, is, to collect a description of character which is very undesirable, and which operates very seriously on our sailor population. For instance, we have got in North Shields above 300 women of the town; there is one to about every hundred of the population, and sailors who are from home, or who are perhaps strangers to the port, stay for a time, taking up their quarters in many of these public-houses, and find facilities not only of spending their money, but of sometimes ruining their health. They also form attachments, and I have known them, when they go away, not unfrequently leave their advance or monthly notes behind them, if they engage themselves at that port. That is, the owner advances so much money on their going to sea, 2 *l.* or 3 *l.*, or whatever it may be, with a portion of their money paid monthly, and they leave it to be collected by these sort of people; and when the man comes back, and asks for an account of his money, he very seldom gets an accurate one, I am afraid.

9558. Those are the habits of sailors that come to the port of North Shields?—Yes, to the Tyne; and there are more seamen annually sail from it than from any port of the kingdom, not excepting the Thames or the Mersey. We send outward bound an eighth of the tonnage of the empire; but what I describe occurs in all ports.

9559. How do you connect that with the brewers having possession of these public-houses?—I was going to say that these houses bring into them as tenants the lowest description of characters or parties, driven by the hard terms of the brewers to such resources. I can give as a fact, that in 1849, eight licences of that description were obliged absolutely to be suspended by the magistrates.

9560. Upon representations of the mode in which those houses were conducted?—Yes.

9561. Were these brewers' houses?—All.

9562. Tied as you have described?—Yes.

9563. Their great object is to get as much custom as possible, without reference to the character of it?—Yes; they are pressed exceedingly low by the prices charged to them for the articles they sell, and having a very bare subsistence indeed, they are driven, I do not say justifiably, to have recourse to other means of obtaining a subsistence. Then they admit all descriptions of characters into their houses, which are a perpetual source of nightly disorder. Loose women and the young of both sexes are admitted, and that kind of house becomes, in fact, a source of very great evil to the community.

9564. You trace these disorders in these houses to the circumstances under which the publicans hold them; they being run so near in making these houses profitable at all, that they resort to all kinds of attraction to get custom?—That is it; no independent man with a small capital would go into one of them, they would invariably refuse; and they get nothing but the man who is determined to do the best he can under the circumstances; but let me do justice; there are some poor but honest persons thus unfortunately placed, but ruin is to them generally the result.

9565. I think you stated that these houses have been so ill-conducted, that eight of them have had their licences suspended?—Yes, in 1849. I may state in addition, as to the houses not tied, which are 68, that for 10 years there has not been a suspended licence among them.

9566. Is that at South Shields?—Yes.

9567. As to 68 houses in South Shields, there has not been a single suspension of licence?—Yes, and I am not aware of a single complaint against one of these free houses.

9568. What was the fact with regard to those eight houses where the licences were withdrawn?—They were suspended for a time because disorderly conduct had occurred in them, until after the autumn, when the magistrates renew the licences, and then, on fresh application, they were tried again, or the parties were removed from the houses by the brewers, and other parties put in.

9569. Mr. *K. Seymer.*] They were not shut up?—There was one house shut up, but the others were not.

9570. In the case of suspension, does the sale of beer and spirits go on?—No, it is stopped during the suspension.

9571. *Chairman.*] What do you mean by suspending the licence; I thought it was that the decision of the magistrates with respect to the house was suspended, but that the licence continued until the magistrates finally decided that it

it should not be renewed?—The magistrates, on a complaint having been made before them that in these houses acts contrary to morality were being nightly carried on, suspend the licence then and there, and from that moment they suspend operations in that department of their trade; they neither sell spirits nor beer.

9572. For a certain time the houses were actually closed?—No, only as far as the selling of those things was concerned.

9573. For how long?—I believe until the autumn: the renewal session with us is in September or October.

9574. Mr. *Gregson.*] They are suspended until the adjourned meeting?—In those cases they were suspended till October. I know one case in which the licence was taken away altogether from one of those houses. It was a house of ill fame, which an immense number of persons frequented, and it was deprived of its licence. The landlord continued to sell beer; I think under the other Act he got his licence; and I believe he continued to supply them illicitly with spirits. That man is now what is called a respectable shipowner in North Shields; he made a large fortune by the process, and retired on three or four ships.

9575. *Chairman.*] Is he in the commission of the peace?—No, certainly not. I was going on to instance the effect in these houses. The principal inn in the town of South Shields, the Golden Lion, was leased by its proprietor to a spirit merchant. The party who was previously in that house, and doing well, when that was done, refused longer to continue in it; he found that the prices were not such as enabled him to go on. Another party, whom I had the pleasure myself of recommending, came from the south, and took that house; it was a large and respectable inn; and although she had a little independence, it unfortunately was run through, and she left the house. Another party succeeded under the same circumstances; he also failed, and went out of the house. Then the clerk of the spirit merchant got the house with some 100 *l.* or 200 *l.* which he had saved; he failed, and lost everything in the world. The proprietor of the house, finding his house likely to go to ruin, begged to have the lease given up to him, and on paying a consideration he got it. The first party, who is now in the house, on having the house offered to him again free, came back and took possession, and is now doing exceedingly well, having a most respectable business.

9576. Do we understand that all the parties who failed in the house were under the brewers?—They were under the spirit merchant, who supplied porter and ale, wine and spirits.

9577. Do you know whether he supplied them on such terms, that they could not carry on the business with a profit?—I do not know how far it becomes me to speak in these almost private matters, but I know that the prices were high, and the qualities not in proportion.

9578. Were the prices higher, and the qualities inferior to those supplied to free houses?—Yes; for there is a free market, and a choice for those houses.

9579. And now the person who is in the occupation of the house has it as a free house, and is doing a good business?—Yes; and it is well conducted; it is the same person who went out of the house when it was tied, and could not do with it; he has returned an independent tenant, and is thriving in it.

9580. There is no obligation on anybody to go into a tied house; it is open to anybody to enter this business of publican as a free agent?—Certainly so; there can be no obligation; but every one seeks to do a little better than they are doing; in most cases, perhaps, a little better than nothing; but they cannot get responsible parties into these houses. It is some party without capital, who becomes a mere agent, who has no money to lay out in a particle of stock, who is selling the goods of the brewer or spirit merchant, and renders an account every four or five weeks.

9581. You are stating this to show that the present licensing system does not protect the public against getting an inferior article, or the publican himself, in conducting his business with a profit?—Yes; I think the effect is to throw amongst the public articles of inferior value at a high price, and that the parties who are made the mere agents of doing so, are infinitely worse off than if they were selling on their own account.

9582. As the licensing system is carried on in South Shields and North Shields, it does not seem to limit the number of public-houses, nor does it have any

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any particularly good effect on the morals of the people?—The number of the houses is limited according to the judgment of the magistrates, and having made that limit, as I have stated, it becomes important for the brewer and the spirit merchant to obtain possession of those at any price, if the houses are not their own, at a high rental, which they can afford. As to the morals of the people, they are seriously injured.

9582. The magistrates do not inquire under what circumstances the publican is going to conduct his business, to know whether he is going to carry it on so as to injure the morals of the people?—I am not aware that they ever refuse at all; it is the universal rule to grant transfers of licences, without the person is notoriously bad.

9584. I think you have stated that you do not know much about the system adopted by magistrates in granting fresh licences?—I know they are exceedingly chary of granting them; in new districts they will occasionally do so; but I do not think there have been half a dozen new licences granted for the last two or three years.

9585. Yet you say there are more than there ought to be in the place; people can hardly get a profit as it is with the number?—They do not get a profit, because there are certain parties receiving the whole profits, instead of dividing the profits among the agents who are doing the work and selling the articles; it is being absorbed by the brewers and spirit merchants in each case.

9586. But do you know of any evil which would follow if the trade was thrown open at South Shields, which does not exist now?—I think great advantage would arise from throwing it open.

9587. Do you think the public would be better served?—I have no doubt the public would be better served. Competition would then begin between the brewer and the spirit merchant in the supply of articles of good quality at a reasonable rate; competition would be perfectly free, and the cheapest and best market would be sought by the retailer, instead of being restricted to the monopolising market as he is now.

9588. Mr. *K. Seymer*.] Do many of the free publicans brew their own beer?—There are only two, to my knowledge, in the town; there was a third house, but that has been bought up by a brewer.

9589. *Chairman.*] This is an extensive seafaring population?—Yes; shipowners and seafaring men; and an eighth of the tonnage of the kingdom during the year lies between the two towns of Shields.

9590. What do you believe would be the case if every man had a right to get a licence; would the number of houses be increased at first?—There might be an attempt at first, every one thinking they would do well in it; but if a sufficiently high rate for the licence was charged, and I think if you guarded it, moreover, as you do in the beer licence, by a certain description of house, of a certain value, there would be introduced into such houses men of a certain capital and respectability, and of course the inferior houses would be left to break down, and be absorbed by such men of higher and better character.

9591. You think the lower class of public-houses will disappear, and the general character of the houses be improved?—Yes.

9592. Would that alarm the more respectable portion of the community in those places if they were to hear that every person whose house was rated at a certain amount, after paying a considerable duty for a licence, might have it as a matter of right?—I do not think it would; I do not think that there would be any prejudice; on the contrary, the present system is so notorious, and the description of house is so thoroughly known, I mean the tied houses, that I believe the common sense of the public would deem it an advantage, and not a disadvantage, to throw the trade open, with the restriction of a higher licence and a house of higher value.

9593. Do you think that whatever evils arise from a great number of public-houses, and houses of a very low kind, they could hardly be worse under any change of system?—They could not be worse.

9594. Do you think that would be the general opinion in the place you are speaking of?—I think it would. Here is a note from the superintendent of police, who knows the opinions and feelings of people very well, in which he takes that view.

9595. Have you a letter that you know contains his opinion?—This is a letter from himself to me.

9596. On this subject exclusively?—Yes; it was drawn up within a few days.

9597. What is the police at South Shields?—A borough police.

9598. One recently appointed under the Municipal Act?—Yes; they were formerly under a commission; they are now under the Municipal Act.

9599. Is the superintendent appointed by the corporation?—Yes.

9600. What is the purport of his communication?—The purport of his communication is, that he finds these retail houses tied or bound to brewers or spirit merchants, to be of the worst possible consequence to the morals and habits of the people. In addition, he states that he thinks that it should be the right of every individual to procure a licence at a high rate, which would remove many of these evils.

9601. Mr. *Gregson.*] What do you propose to be that rate?—I think you should not have a lower rate than 10 guineas under any circumstances; the lowest house there pays infinitely more than 10 guineas in another shape. We may suppose that the lowest house there only sells two half barrels of ale in the week; that is assuming a very low amount indeed. He is then paying an additional price of nearly 25*l.* a year to the brewer; therefore he may be well content to compound by paying to the Government 10 guineas. He would thereby save 13*l.* or 14*l.* a year.

9602. *Chairman.*] Are you talking of what he should pay for his licence, or what he should be rated at?—What he should pay for his licence.

9603. Mr. *Gregson.*] If the brewers are the capitalists, the houses would still fall into their hands?—If the houses fall into their hands, there is no preventing other men who may be next door setting up also. I have shown that the tied houses are the worst possible in the town; and therefore respectable parties in the centre of those would tend to purify, and, if not, would absorb them eventually.

9604. *Chairman.*] You think that letting the trade be free is one of the checks to those evils you observe to exist under the present system?—Yes. Scotland has been put forward as an example to the contrary, where the licences are free; but if the difference of the price of spirits is taken into consideration, and if you regulate by a high licence duty instead of a low one, you do not, as it were, by granting facilities for a fair trade, induce habits of using intoxicating liquors; you only then guard them in respectability and decency.

9605. Have you considered what anybody should pay for his licence to the Government?—Yes; it may seem high, but considering they are so much more now out of pocket, I consider that no one will object to 10 guineas. I would suggest that you should regulate your licence, not in proportion to the value of the house, which is always variable and troublesome, but by the population. You could not doubt the amount of population of a town; and in a large town, trading facilities are greater than in a small town. Therefore, in a town of 50,000 inhabitants, you should not have less than a 10-guinea licence.

9606. Have you got a scale there?—Yes.

9607. State what it is?—I think for 50,000 inhabitants, a 10-guinea licence should be charged; above 50,000 and under 100,000, 11 guineas; over 100,000 and under 200,000, 12 guineas; and over 200,000 and under 300,000, 13 guineas. Above 400,000 and under 500,000 inhabitants, 14 guineas, and over 500,000, 15 guineas.

9608. Mr. *Gregson.*] Would it not be better to take an average rate of 12 guineas?—Some towns could not afford it; a town like London pays now a little more than 16*l.* for the licences to sell beer, wine, and spirits, which I presume is the general rate in London. Under this scale, therefore, licences would be somewhat cheaper than now.

9609. *Chairman.*] You have given the subject a good deal of consideration; do you think there would be a large addition to the revenue by the system of allowing every man to have a licence upon paying this high duty?—That would more than double your revenue; you get now above 430,000*l.* a year.

9610. From what?—From your beer and spirit licences.

9611. And your opinion is, if the trade were thrown open, and your scale of duty adopted, that amount would be doubled?—Yes; you have now, according to the last official return, got 39,423 beerhouses in England under the 4 & 5 Will. 4; and you have got under the magistrates' licences, 6 Geo. 4, c. 81, 55,945 houses; making a total of 95,365 licensed houses. You get from the

beershops 123,000 *l.* annually for licences. You get from the spirit and beer-houses under the magistrates' licences, 307,800 *l.*; making a total of about 430,800 *l.* a year. Now, taking the lowest amount at 10 guineas, you would get above 1,000,000 *l.* a year, supposing these houses all continued in operation.

9612. You are assuming that the same number of houses would continue, when you allow the whole trade to be thrown open, and that each would pay this 10 guineas annually?—Yes.

9613. Is that your calculation?—Yes; many of these houses, it is clear, however, would be under a higher licence.

9614. But you have no doubt that a great number of these houses would disappear altogether?—I think some of the worst of them would.

9615. Have you any doubt that those which are kept by people with very little capital indeed would be enabled to furnish their houses with the stock that would be required when the trade was entirely thrown open?—None; they could not; so much the better.

9616. So that a great number of the bad description of houses would disappear, and also houses kept by poor people?—Houses that are badly kept, and those who have no means of keeping themselves such establishments.

9617. Do you think that more of what are now called public-houses or licensed victuallers' houses would be established?—I do not think more. In the first instance there may be such a possibility; but a struggle will commence, and there can scarcely be a doubt that the striving and well conducted houses will obtain the ascendancy.

9618. As far as I understand, a certain number of the publicans or beer-house-keepers would disappear; but do you believe that a great number of new persons would enter the trade?—I think there would, because such a change would not alter the demand for the articles of this trade.

9619. Do you mean that persons of respectability and capital are deterred from entering the trade now by the present system?—I know that in many instances they are.

9620. Is that owing to the difficulty of getting a licence, or the dependence that is rendered necessary on the brewer?—It affects in both ways; it is an impossibility almost for a respectable man to get a licence without the magistrates deem it absolutely required in a locality.

9621. They have to contend with the peculiar disposition or opinions of the magistrates of the place?—No; I believe this common to all places, as I have already stated.

9622. And sometimes they set their face against granting licences, while in other places they are in favour of granting licences?—I may say they rarely grant new licences.

9623. That is in favour of those who have got them already, and in favour of the brewers who have the houses attached to their breweries?—Yes.

9624. And keeps up the monopoly?—Yes, as it does elsewhere.

9625. And, as I have observed before, that deters independent people, and persons having capital, from going into that business?—Yes.

9626. Do you believe there are persons who would be willing to pay this high rate of duty, which you have proposed, if the trade were thrown open?—I have no doubt about it, I know it from personal knowledge, from parties with whom I have conversed on the subject.

9627. You do not mean to relieve the houses in future from police regulations?—No, certainly not; I would continue to have the same police regulations which we have at present, and the same magisterial jurisdiction, except as to the licensing, with the correction of such grievances as may exist.

9628. And you have no reason to believe that respectable publicans would object to that?—I think quite the contrary, they would rather invite it, though it will not then be so necessary.

9629. Mr. *Gregson.*] What character of certificate or bond would you require from the party?—You now grant beer licences, which affect a large part of the community, to any party who chooses to apply, on the certificate of a few householders through the Excise. The parties would have to pay 10 guineas for their licence, and I do not see why you should refuse to them what you do not refuse to a class, commercially speaking, less respectable, without bonds.

9630. What securities would you take for them to pay the penalties, as you say you would leave them liable to all the restrictions and all the provisions of the

the law that now exist for the good order of these houses?—You may take a bond if you choose. I am not aware that any agreement is entered into for the payment of the penalties on granting a licence now.

9631. Is there ever any difficulty now in enforcing the payment of penalties, whenever these houses are informed against, or convicted before magistrates?—I believe not; in those cases the penalties are not so large that they cannot raise them in some way. I know in some of those tied houses, when they have any difficulty, they apply to the brewers. I know also, in the transfer of the licences at present, they have been obliged to have recourse to their brewers for the 13 *s.*

9632. Are you stating that as a fact within your knowledge, that when some of these tied houses are informed against and convicted, that the brewers send somebody to pay the penalties for them?—I am stating it from the superintendent's information, not my own.

9633. What is the name of the superintendent?—Mr. James Buglass.

9634. Somebody appears, and pays the penalty for tied houses?—The party pays it himself, but in case of necessity, the brewer does it.

9635. What are they informed against for in South Shields, for which these penalties are imposed?—For keeping disorderly houses, I am sorry to say; and sometimes for being open on the Sunday during Divine service.

9636. Are you only expressing your own opinion, or do you say you express the opinion of anybody else, as to the change in the system which you have suggested?—I cannot say that I represent it further, than that I have talked with intelligent men in the trade, and the opinion I have ventured to express here to-day is their opinion.

9637. There would be no objection in the trade with which you are connected to the change which you have proposed?—I think none whatever; I think it would be hailed as a boon; if you take that guarantee, which I think the high price of the licence would give you, and a certain value of house, I think it would be generally hailed as an advantage; it would at once give them a better social position; and I feel assured that the result would be beneficial, as far as my own conviction goes.

9638. You object, yourself, to have these houses attached to your own establishment?—I do.

9639. State why you do so; because it appears to be an advantage at first?—I dare say it is an advantage to a certain extent, but it has also its disadvantages; you do not get so respectable a tenant; and in the next place, when you have a respectable tenant, if you treat him well, and serve him justly, you tie him with much better cords than such a bond as I have put in. He comes to you and gets his supplies, and you have the advantage of the connexion in that way; an honest respectable man, enhancing the value of your property, and taking from you large supplies.

9640. You have described the connexion between the brewer and the publican, and it seems to be all in favour of the brewer?—Entirely; but I think the same results could be easier obtained in a better way.

9641. That is not the reason why the brewer should object to the system; and it would seem to apply to an establishment like your own?—It would; it is a coarse, ready mode of doing a sort of business; each man has, however, his own notions of business, and I prefer what I consider to be a fair and just means of doing business; when I had it in my power, and could have done it, I have not sought to attach them to me in any other way than by a fair business proceeding. We have only two licensed houses now, one at Shields, and another at Liverpool. The licences are said to increase the value of a house from 200*l.* to 1,000*l.* each. If these two houses have an increased value of 600*l.* or 700*l.*, we offer them up as a proof of the sincerity of our conviction that a free system would work better for all parties, ourselves amongst the number.

9642. The brewer does not run any risk in the peculiar relation which exists between him and his agent in the public-house?—No risk whatever, that I know of; the man takes all the legal responsibility, and his trading risk is nothing, because he takes his money every month, or every five or six weeks. I see these men come to the door sometimes, stripped of everything nearly; it seems to be the last resort that a certain class of people have, and eventually, after passing through, they come forth squeezed like an orange.

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9643. The publican?—Yes.

9644. The worst that can befall the brewer is, not that the house will be closed or put down by the magistrates, but that he must change the tenant?—That is all.

9645. He has no great object in the tenant being careful about his customers, or having disorderly characters; his object being, that as much liquor should be sold as possible?—That is it.

9646. Mr. *Gregson.*] But he would not trust his house and liquor to a person of blemished character; he must be careful of his own interest to examine a little into character?—He has the means of enforcing his payments so rapidly, in his connexion with the victualler, that moral blemishes and even trading blemishes are overlooked, and no other man but he, or one in his position, would give most of them credit for a month. In some instances I know it to be the fact, that books are kept, and merely cash put down; and in case of any break up in the retailer's establishment, the brewers go in for the rent, and take the first position, and if there is any other creditors they are cut out entirely. They secure themselves as to trading altogether.

9647. *Chairman.*] These brewers that you particularly refer to, in North Shields and South Shields, have houses in the country around?—They have houses in the country all round. I have information from superintendents of police, and from other official sources, and their information is precisely similar, that through all the districts that is the manner in which trade is carried on; it is so in Newcastle-on-Tyne, at Sunderland as well as Shields, embracing a population of at least 300,000 people.

9648. Do they support the superintendent in South Shields, in saying that the houses attached to the brewers are rather of a worse description, and less well conducted, than the free houses?—Yes; here is a note by another superintendent, in which, after stating the number of houses, he says "that the houses that are not tied are generally well conducted."

9649. We are alluding to those which these brewers supply in country districts?—I have not information sufficiently exact to give to this Committee on that subject. As an instance, however, I may state, there are three licensed houses in the village where I live, and they are all three tied to brewers.

9650. But the brewers do supply those houses?—Yes.

9651. And those houses are attached to them in the country?—Yes.

9652. Do they have the beerhouses as well as what are called licensed victuallers?—Yes, there are 48 beerhouses in South Shields, nearly all belonging to brewers. Allow me to give an instance how obtained; there was a beerhouse that was selling the other day a supposed large quantity of six or eight barrels in the week; the keeper was the widow of a man working in a large manufactory, and the people went there to get their supplies. As soon as that was known to a brewer, he went and offered a large amount to the proprietor of this house, and obtained possession of the house over the head of this widow woman, and then he allowed her to continue, and he reduced her rent, and she is now selling at a higher cost price, not so beneficially to herself as formerly, and this valuable beershop is made a tied house.

9653. Was she selling beer at a lower rate to the public before?—No, it was a free house; she was selling beer for herself before, and not for the brewer. She was selling a large quantity of good beer, and she selected from the general market at her pleasure, at a rate of at least 8*s.* per barrel less than she now pays. A brewer, finding a large quantity of beer sold there, takes possession of the house at a high price, and retains that poor woman to sell his beer, whatever quality that may be.

9654. That may be an abuse of large capital, but that is a practice that will continue as long as people possess large capital in particular businesses?—Of course you cannot throw your capitalists out of the market; but next door to that house, if a respectable and independent man, who preferred continuing independent, and retaining a share of profits for himself, were to set up, they would find him with his free advantages difficult to deal with.

9655. Mr. *K. Seymer.*] That can occur now; a person can set up a beerhouse without the magistrate's licence?—He can; and if this house which I have just alluded to falls into the ordinary state, that may just happen; for if this beerhouse sells at a higher rate, or a depreciated quality, then there is a great probability

probability of a beer licence being taken out immediately in the neighbourhood, to see if it is possible to obtain the trade which this party formerly possessed. In a similar manner, I would infer, would operate free spirit licences.

9656. *Chairman.*] That would correct the evil, then?—Yes.

9657. Mr. *Gregson.*] Do you propose to grant licences to the individuals or to the houses?—I would grant them to individuals.

9658. And as to the rent of the house, what would you propose to have the rent?—I do not think, in towns of 50,000 inhabitants and under, you should have a house of less than 20 *l.*, and higher in proportion to the number of the population. In London a 20 *l.* house would be novel. For a house in a town over 50,000 and under 100,000, 22*l.* rental; over 100,000 and under 200,000, 24*l.*; over 200,000 and under 300,000, 26*l.*; over 300,000 and under 400,000, 28*l.*; over 400,000 and under 500,000, 30*l.*; over 500,000, 32*l.* rental. As some scale seems necessary, I would presume to suggest that.

9659. Mr. *K. Seymer.*] You would give the licence to the individuals; you would not tie him down to a house of a certain value?—Yes, with a house of a certain value for the exercise of his trade.

9660. You would make him keep his licence, provided the rating were sufficient?—Yes.

9661. *Chairman.*] You have not had any experience in these houses in the country districts; have you any suggestion to make with regard to the villages and places where the population is very thin?—I have not; I think that is the difficulty of the question; I must leave it therefore to the wisdom of the Committee; my knowledge on this point must be trifling to theirs; I think in towns it would act, but if you come to the villages, if they cannot afford to pay 10 guineas for a licence this trade can scarcely require a public-house at all, or a brewer would find one.

9662. Mr. *Gregson.*] Even in a village?—Yes, but they have inns in all villages.

9663. *Chairman.*] Do you think the brewer could afford to pay it, if he were to do what he does now, put his agent in a beershop?—Easily; it would only be taking part of his profits, and justly too on such occasion. These beershops almost invariably sell spirits too.

9664. They break the law?—Yes, readily; they pay the licence, and it is a sort of equity system of their own they have got. They say, "I pay nearly the same for a licence with the public-house for selling spirits, and I do not see why I should not sell spirits as well as beer," and so they lay in supplies; I have occasion to know it; they lay in little stocks themselves, and it is conveniently stowed away in a portion of the house not entered, to supply their customers in whom they have confidence.

9665. Are there any revenue officers in South Shields?—Yes; but it is very difficult for revenue officers to trace it.

9666. Are there not informations laid against these houses?—Some of them, but not lately; they have got as cunning as the revenue officers.

9667. The publicans are interested, are they not, in their not selling spirits?—They would not commit themselves by selling to publicans; they know their men too well.

9668. But would not the publicans be vigilant to see whether they were selling in this way?—They might if they found an opportunity; but there is a sort of honour in these matters, and they would not like, even in such cases, what Englishmen hate above all others, of having the phrase applied to them of "informer;" therefore they would shun being the means of convicting them. The revenue officers they know perfectly well. They have their friends, and they sell to those; they have confidence in their friends.

9669. The police are bound to inform against them if they sell spirits?—They are bound, and some convictions have taken place, but not very lately. We know the practice is carried on very extensively, and I know that the Shields superintendent of police knows it perfectly well, but he has not the means of conviction, no one will give it him. If he goes suddenly on the scene there is nothing to be found; it has all disappeared, and without the means of proving it there is no conviction.

9670. Mr. *K. Seymer.*] You have no remedy for that, but by giving a licence?—I think so; and I think 10 guineas should cover both beer, spirits, and wine licences.

9671. Mr. *Gregson.*] Would you recommend wine to be sold in smaller quantities than two gallons?—In those retail licences I would allow them to sell

as they now sell in all those places any quantity. If people had easy access to wine, they would use it in preference to spirits, in many instances.

9672. *Chairman.*] The having a beerhouse affords a great opportunity of selling spirits?—Very great.

9673. And therefore the revenue suffers by this distinction between beerhouses and licensed victualler's houses?—Yes, in the difference of the licences. At present the beerhouse is only three guineas, and five per cent.

9674. The publican would not suffer much by the change you propose; a number of beerhouses will cease to exist, and the beerhouses sell spirits in competition with them, as it is?—They do.

9675. The persons you expect opposition from would be the brewers?—I think you would expect opposition there, but I do not know how they could present themselves; they cannot legally claim possession of these houses, whose factitious value can be altered in a day by the magistrates, nor have they a prescriptive right in licences.

9676. Mr. *Gregson.*] You have stated that there are 123 tied houses in North Shields, and 252 in South Shields belonging to these brewers?—In South Shields 123, and in North Shields 252.

9677. All the brewers will obtain licences for these houses, as they are the proprietors of them; they would have it in their power still to obtain licences?—Yes, of course; and I do not think the present respectable retailer would suffer at all, he would continue to draw his friends and his customers around him.

9678. All these houses belong to eight or ten brewers?—Yes.

9679. Have you an idea of the value of these houses?—It depends on their position; they vary from 300 *l.* to 400 *l.* up to 1,000 *l.* or 1,200 *l.*, and perhaps, in a case or two, 1,800 *l.* to 2,000 *l.*, the principal houses. There was a free house the other day for sale, and one spirit merchant wanted it, and said, "Whatever you sell it for, I will give you 20 *l.* more than your highest offer." No matter what the price of it was, it was his interest to have the house, and he would have it at any price.

9680. Under your proposed system, these 10 brewers may obtain licences to all these houses, and put in tenants, just as they could do now?—Yes, but then men of small capital can set up next door to them, and have a cheaper and probably a better article; and the public know one thing from another, and would select.

9681. *Chairman.*] Are the brewers in South Shields gentlemen of consequence, who reside in the borough?—Yes, they are men of much respectability.

9682. And of considerable influence?—Yes, they have a fair influence in the borough.

9683. Are the licences granted by the borough magistrates or the county magistrates?—By the county magistrates.

9684. But the borough magistrates have a concurrent jurisdiction?—No, I think not, in licensing.

9685. When is the licensing day held, and where is the court held?—In September or October, in the new court-house.

9686. Is that in South Shields?—Yes.

9687. Are the borough magistrates, magistrates for the county also?—No.

9688. None of them?—There are two magistrates of the county who are also magistrates of the borough.

9689. Sir *G. Goodman.*] Are both North and South Shields municipal boroughs?—Yes.

9690. I think you drew a distinction as to the brewers' houses being more frequented by sailors, who, on their return, are constrained to drink the inferior liquors belonging to the brewers, while they cannot drink those sold by the free houses?—They frequent generally these houses, because there are great inducements, and they have no other homes there. Frequently these tied houses have other articles besides wine, spirits and beer for sale. The sailor enters the first port he comes to, where he can spend some of his loose cash and animal spirits, and in these tied houses he finds those facilities more than in the houses that are free and independent. He goes and spends his money, and stays sometimes till he is in debt. The sailor, I am glad to say, is almost always honourable and just in his dealings, as well as generous, even under circumstances of that kind; and he frequently leaves behind him his monthly note, as I have stated, to pay such debts.

9691. *Chairman.*]

9691. *Chairman.*] We have not understood you upon that point; is it in these tied houses that these objectionable attractions to the sailor are found?—Yes.

9692. And the free houses are more respectable?—Yes; of the free houses in our district no complaint has been made for the last 10 years; for that time there has been no suspension of a licence, and no complaint made against them.

9693. Mr. *Gregson.*] Do you propose any further limit to the hours of closing, either on the Saturday evening or the Sunday?—I do not know of any; as to Sunday, it is a difficult subject to deal with. I think the London regulation is a very good one, of closing during Divine service, and of opening at other times.

9694. Have you any other suggestion that you wish to submit to the Committee on the subject of this trade?—None; if you throw the trade open, you will get a different class of people as licensed victuallers; they come in communication with the mass of the public more than any other class of men, and in hours of excitement evil is more easily impressed if their practices be evil, and they are guarded from it if the keepers of such houses be good. They will find then a more respectable class of people to do business with than those who now offer them facilities to evil.

9695. Can persons of limited capital compete with these large brewers?—I have no doubt of it; they do it every day. The principle of the brewers in these houses is to charge a very high price. The principle of the independent man, acting by himself, is to go to the cheapest market, and to sell moderately; to go also to the best market, for the public are judges of that description of article.

9696. *Chairman.*] What you have said about the brewers applies equally to the spirit merchants?—Equally.

9697. Mr. *Gregson.*] Are you proprietor of any house?—I have one at Liverpool, and I do not care about continuing it. As far as we ourselves do business, I have never asked for an order from that house. We have also one at Shields.

9698. You have spoken of the brewers; are the spirit merchants proprietors of houses?—Yes.

9699. The same as the brewers?—Yes, brewers are often spirit merchants.

9700. Is that system as injurious to the public as the brewers?—Quite so; articles of the highest price and of the lowest quality are its invariable concomitants.

9701. The same evil exists in houses belonging to spirit merchants, as in houses belonging to brewers?—Yes.

9702. *Chairman.*] You have no doubt that the spirit trade and the business of a brewer must always be conducted by persons of large capital?—It cannot at present be otherwise.

Mr. *Henry Ashley*, called in; and Examined.

9703. *Chairman.*] YOU are the solicitor of the Metropolitan Beersellers' Society?—I am; I have been so about 15 years.

9704. What is the nature and object of that society?—It is fourfold; first, to watch any proceedings that may be taken by Parliament relative to the trade; secondly, to give all information necessary to the subscribers to the society; thirdly, and principally I might say, to attend the magistrates on any information being laid against any member of the society, and properly to defend him before the magistrates; and, fourthly, to raise a fund for the benefit of the widows and orphans of the members of this institution.

9705. What is the number of the members of the society?—The number of the members, at the present time, is 926.

9706. Those being all beersellers?—Yes, beersellers.

9707. And that applies to the Metropolis only?—To the Metropolis only.

9708. Could you tell us what is the number of informations and convictions against the members of this society; you do not attend to anybody else but a member of the society?—Yes.

9709. Any person in the same trade, not members of the society?—I attend

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on behalf of the members of the society, and for any individual who may not be a member of the society; but I can distinguish the one from the other, and I can tell you about how many informations are laid against the members of the society, and the convictions that take place. On the average of 15 years that I have been the solicitor, there never have been more than 15 informations in the course of the year, and on those informations, upon an average, not more than five persons have been convicted every year, for the whole time.

9710 Are you apprised of all the informations?—I presume I am apprised, inasmuch as the members pay 10 *s.* per annum, and they are entitled then to the advantage of the solicitor of the society; and, of course, when an information is laid against any individual they immediately apply to the secretary, who sends to me a printed letter requiring my attendance before the magistrates on the occasion; therefore every member is entitled to the benefit of the solicitorship, if he chooses to embrace it, and the presumption would be, that all the members would embrace it.

9711. He has your services without cost?—If the information is dismissed. If a member of the society, he pays a fee on attending before the magistrate, and if upon the hearing of the case it should be found that the information had no foundation, that is to say, it was dismissed, then the fee so paid by the member is repaid at the next meeting of the society, which meets once a month. If he is a transgressor of the law he receives no protection from the society, and if he employs the solicitor he pays it out of his own pocket; so that he is properly protected; all fair protection is to be given to him, and nothing beyond, as far as the society is concerned. These are my strict orders, to do everything with propriety and justice to the member, but not to screen him if he has violated the law.

9712. That would make you informed of all the cases where the persons were innocent?—It would, and I have to report it to the next meeting of the committee; they have these reports before them, and they decide whether the fee so paid shall be returned to the member or not.

9713. You are acquainted, of course, with all the laws which regulate the trade at present?—There are four Acts which regulate the trade; there is the 1st Will. 4th, c. 64, the 4th & 5th Will. 4th, c. 85, the 3d & 4th Vict. c. 61, and the 11th & 12th Vict. c. 49. Now of these Acts of Parliament, the first authorises any individual to obtain a beer licence simply by making his own application, and entering into a bond with the Excise in one sum of 20 *l.*, or two sums of 10 *l.* each. That was the first Act, and there are some very stringent penalties in that Act of Parliament to enforce the Act, and also there is an appeal clause; to that Act of Parliament there can be no objection. By the second Act of Parliament the person applying for a licence is put under this obligation.

9714. Is that first Act in force now as it was passed?—It is, save and except one or two clauses which are repealed by other Acts, as to the time of opening. As to the second Act, the party is required to obtain the signatures of six individuals who are to sign a certificate to the Excise for the purpose of his obtaining a licence. Those six individuals are only to certify as to one fact, and that fact simply is, that the person is a person of good character; that is all those six individuals are to do. Now those six individuals may be presumed to be, and indeed I know in a measure it is so, persons who are customers to the beerhouse.

9715. Did you give the date of that Act; how long is it after the first Act?—The first was in 1830.

9716. What was the second?—1834, the 4th & 5th William 4th. It is presumed that these persons are his neighbours, and they come under penalty in the sum of 20 *l.* each to the Excise as to the truth of the declaration that they make of his being of good character. The man is placed, therefore, in the hands of six of his neighbours, and it is believed that by reason of his being so placed in the hands of these individuals he is in a great measure restrained as to his business and as to the price which he has to pay for articles; so that the man is, in fact, placed in a painful position as far as six of his neighbours are concerned; and it does not appear, as far as I have observed of this Act of Parliament, that there is any equivalent benefit to be derived to any person at all by reason of that imposition.

9717. Mr. *Gregson.*] It is the imposition of a penalty of 20 *l.* for bad conduct?—

duct?—No; first he is to obtain six individuals who certify as to his good character.

9718. For his good conduct?—That he is of good character; and I submit that the Excise itself, or the supervisor, or the person who issues this licence for the purpose of the beer trade being carried on, is perfectly capable of ascertaining whether that individual is of good character or not, without six individuals being bound for that one fact. Then this certificate is also to be countersigned by the overseer; he is to certify that those six individuals are six inhabitants of the place, and that they themselves are rated at a certain rate, or else their qualification would not be sufficient.

9719. *Chairman.*] Did I understand you to say, that if it was discovered that the beerseller was a person of bad character, convicted of felony, that these people would forfeit their bond to the Excise?—There is no bond to the Excise; the penalty is imposed by the eighth section of the Act; and it goes beyond that. If there is any misrepresentation in the certificate so given by these individuals, that they should themselves forfeit 20 *l.*, the certificate should be void, and, thirdly, that the man should not be permitted to carry on trade again. Now there is a third Act of Parliament which is more oppressive, and in which it is really required that some alteration should take place.

9720. What is the date of that?—That is in 1840, the 3d & 4th of Victoria, by which no beerseller in England and Wales can obtain a licence at all without the signature of the overseer.

9721. Doing what?—Without the overseer certifying as to two things. The Excise binds him to get a certificate of two things, and the overseer is only bound to give a certificate of one; that is the anomaly, but so it is.

9722. What is the one?—Every beerseller at this day in England and Wales is under an obligation to the overseer, who may, if he pleases, withhold his signature as to one matter that the Excise requires, and consequently there may be no beerseller at all in England and Wales if the overseer chooses to withhold his signature.

9723. Mr. *K. Seymer.*] Is not that point settled?—It is now settled: the second section says that a certificate is to be given to the Excise from the overseer of the township, parish, or place in which the applicant shall reside, certifying that such applicant is the real resident holder and occupier of the said house; and also a certificate of the true rent and value of the premises. Then when you come to the penalty to be inflicted on the overseer for the non-observance of this section, it is stated thus by the 5th section: "And be it enacted, that every overseer of the poor who should refuse to grant a certificate of the rating or assessment of any rated house and premises when demanded, or of any person having claimed to be rated in respect of any newly erected house, not yet rated, or who shall falsely certify any house to be rated, when the same was not duly rated at the time of the making and allowance of the last rate made and allowed for the relief of the poor, and every overseer or other person who shall falsely certify any person to be the real resident holder and occupier of any house contrary to the fact, or falsely certify the rent or annual value at which any dwelling-house and premises shall now, or will be rated, or the rent paid for the same, or the annual value thereof, or shall grant any certificate which shall in any other respect be wilfully false, shall forfeit 20 *l.*" But there is nothing in this section to require him to certify as to this man being the real resident holder and occupier.

9724. Mr. *Gregson.*] Under the previous clause he is required to identify the man?—The previous clause is, that they do require him to be identified, that is, the Excise do. There was a case in the City of London, it was a case exactly in point; where an application was made to the overseer to give a certificate. It was Mr. Francis Kensington, a wine merchant, and a respectable gentleman, the overseer of St. Andrew Hubbard, in the City of London. He was applied to to give the certificate, and in the certificate he struck out the words referring to the applicant being the resident holder and occupier of the house. He struck those words out with his pen, and signed the certificate. This was taken to the Excise, and the Excise refused to grant a licence by reason of those words being struck out. The man immediately applied to the society for protection, and I was directed to confer with Sir Frederick Thesiger on the subject of a mandamus; and I instructed Sir Frederick, and he applied to the Court of Queen's Bench, and obtained a rule

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to show cause against the overseers why the mandamus should not issue; and the matter then came before the court whether that rule should be made absolute or not, and upon that argument the court was of opinion that an issue ought to be raised as to all the facts of the case, and therefore ordered an issue. That issue was tried in the Court of Queen's Bench before Lord Denman, and the verdict was for the Crown; so that we got the benefit of it down to that point of time. The party on the other side, for the parish, immediately applied to the court for a new trial, or that the verdict should be entered for the defendant; and there was a very long discussion on the subject, and then this clause came more immediately before the court; and the court then was of opinion that the overseer was not bound to sign any other certificate than he had signed, reversed the judgment, and the judgment was entered for the defendant, and not for the Crown; so that that is the decision now come to, namely, that the overseer is not bound to certify to that which the Excise requires for the purpose of a licence being granted; and therefore it is now entirely with an overseer, whatever may be his temper, habit, or disposition as to the beer-seller, to say whether he will certify or not. If the overseer does not certify the man cannot get any licence at all.

9725. *Chairman.*] When was this decision?—We came to the close of the matter about 1846.

9726. Mr. *Gregson.*] The certificate limits it to the true rent and value of the house?—That is all that the overseer is bound to certify; consequently, every beerseller now is entirely at the mercy of the overseer, whether he can get a licence or not.

9727. *Chairman.*] Is that attended, practically, with any inconvenience?—It was so in this very instance; here was a most respectable man, with a house of from 80*l.* to 100*l.* a year all fitted up; a most respectable house in Eastcheap.

9728. Mr. *K. Seymer.*] Was he the occupier?—He was the occupier.

9729. Does it not occur to you that the fact of the rating of a house may be more within the cognizance of an overseer than a *boná fide* occupation of an individual?—That was one of the principal circumstances Lord Denman thought ought to be raised, to know whether he was the resident holder and occupier, and that was tried at Guildhall before Lord Denman, and a verdict given for the Crown. Thereby we made out a full case; the man himself was examined, and he proved, to demonstration, that he was the real resident holder and occupier; the overseer only lived three or four doors off, and saw this man every day, was acquainted with his person, and could have identified the man.

9730. Mr. *Gregson.*] At present does the Excise refuse to grant a licence on that limited certificate?—Yes.

9731. In opposition to the judgment of the court?—The final judgment of the court is in favour of that proposition.

9732. *Chairman.*] You suggest as an amendment of the Act, that it should be directly obligatory on the overseer to give the certificate?—Yes.

9733. Is the beerseller obliged to produce the certificate every year?—His certificate is renewable every year.

9734. His licence is renewed every year by the Excise?—Yes, they require a certificate every year.

9735. The overseer changes in many places?—Yes, in the City not so frequently as in other places.

9736. Are they paid overseers?—No.

9737. The overseer's office is an annual one?—It is an annual one, from Easter to Easter.

9738. Sir *G. Goodman.*] Are they frequently re-elected?—It may be, but there are generally new overseers.

9739. *Chairman.*] Do you know if the overseers are tenacious of the discretion given them, or that the parish would object to the overseers being deprived of the discretion which they seem to have now?—The overseers, in one or two instances, since this decision, have taken advantage of it. There was one here at Westminster not long ago. It is not very much known that such a power is in the hands of the overseer, or else I believe there would be very many withhold their certificates if they actually knew it.

9740. From the idea that beerhouses are mischievous in the parish?—Some individuals are of opinion that they are, but more that they are not; there are different opinions on that subject.

9741. Mr. *Gregson.*] Would you place this certificate in the hands of any other public officer?—Yes; I am prepared to say that it would be desirable there should be some other individual to give a consent to a licence being granted not only to the beersellers, but to licensed victuallers.

9742. *Chairman.*] We were asking about the evidence that is now required from the beerseller, as to his being the real resident holder and occupier?—Yes.

9743. Is there any other evidence but that of the certificate of the parochial officer?—None whatever; there is no reason why the parish officer should not certify to this fact that is within his cognizance, as to his being the real resident holder and occupier.

9744. Mr. *K. Seymer.*] Is it officially within his cognizance in the way that the rating is?—Yes; he is supposed to be the collector, in fact, of the rates.

9745. Mr. *Gregson.*] Then he is the best party to give the information?—He is the person who has the books, and the names of the inhabitants of the parish are in books in his possession.

9746. *Chairman.*] It is not within the meaning of the Act that he should have a discretion; he is made the medium, because he is the best one, of the information to the Excise?—That is it.

9747. You mentioned a fourth Act; you were going through the objections as they exist?—As to the fourth Act, there can be no objection to that; that is the Sunday Act; that is the best.

9748. Mr. *Gregson.*] What is the date of that?—The 11th & 12th Vict. c. 49; that is restraining houses from being open at certain times, and closing them; that has been the means of preventing a great deal of drunkenness existing in this great metropolis.

9749. *Chairman.*] What has?—The closing of the houses at hours according to this Act of Parliament. I have seen a great deal of London on Sunday in times past, before these Acts were passed, and drunkenness was existing to a very great degree indeed, especially in the parish where our offices are, at Shoreditch, and St. Luke's and Clerkenwell. Going through those thoroughfares on Sunday morning the drunkenness was beyond anything you can conceive. You may pass through those thoroughfares now to your various churches and places of worship with perfect ease, and without any inconvenience whatever; it has been a preventive of drunkenness to a very great degree indeed.

9750. Mr. *Gregson.*] Are these restrictions sufficient for the purpose?—I think myself, from what I can hear of a very large locality, that there would be no indisposition to the houses being closed on Sunday. It is now a source of the greatest convenience; the publicans say that they now have a few hours for getting their houses cleaned, and themselves refreshed, and that they would not object to their houses being closed on a Sunday altogether.

9751. *Chairman.*] At present they are only closed during the hours of Divine service?—That is all.

9752. Are they opened before those hours?—Not before one at all.

9753. And then they are closed between three and five?—Yes.

9754. Beerhouses as well as the victuallers' houses?—Both.

9755. Mr. *Gregson.*] The Act says, half-past twelve?—Or the time of attending Divine service.

9756. *Chairman.*] What is the date of that Act?—14th August 1848.

9757. You have only been connected with this association for the last 15 years; but does your experience of the working of the Beer Act enable you to state whether, looking to its original intention, it has been a failure?—I should say certainly not.

9758. It has been stated in evidence to this Committee, that the Beer Act has been found to be a complete failure?—It has.

9759. Your experience of the working of the Beer Act will enable you to contradict that?—Certainly; I say that it is erroneous. By the 1st. Will. 4, the first Beer Act that was passed, it is stated that that Act was to be passed for the better supplying the public with beer in England, and to give greater facilities for the sale thereof. Now, I am prepared to submit to the Committee that there is a better supply and greater facilities for the sale of beer by the working of these Acts of Parliament, and especially by this first Act of Parliament.

9760. Did you say a better supply?—Yes, a better supply. There are two reasons

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reasons why I assume this fact; and the first is, as to the number of individuals engaged in the trade. The presumption would be, that persons would never be engaged in a trade where there was not some advantage to be reaped from it. Now in the year 1830, when this first Act of Parliament passed, the number of licences taken out was 24,342; the number of licences taken out in 1852 was upwards of 40,000, and on looking down the list, it will be found that with very little exception it has been progressive from 1830 down to 1852; that is as to the number of persons carrying on the trade, and the duty is from 120,000 *l.* to 130,000 *l.* at the present moment. Then as to the article which has been supplied, I have got here a list of the quantities of malt brewed, and in this list the first nine are what are called the great brewers, and the latter nine are brewers that supply beersellers almost exclusively.

9761. You are still confining your observations to London?—I am entirely so. Now the first of these brewers that supply the beersellers are Messrs. Mann, Crossman & Co. In the year 1830, when the Act passed, they brewed 1,000 quarters of malt in that year, and from 1830 to 1852 there has been a continued progression; there has not been a decline and then an advancement, but progression from 1830 down to 1852, so that they are now brewing in 1852, by this return, 30,881 quarters a year. This return comes from Brewer's Hall, and must be presumed to be perfectly correct.

9762. That shows the extent of Messrs. Crossman's business?—This is only one of nine or ten houses that supply beersellers; they send out 2,000 barrels per week, at an average of 30 *s.*; that is the price of their ale or porter. The return of this house is more than 250,000 *l.* a year. Upon an inquiry made at the brewery a few days ago, as to the losses sustained in their trade, I was told by their managing gentleman, Mr. Cox, that they put their losses at 1 ½ per cent., and that it is never beyond it, showing thereby the respectability of the trade and of the persons they supply. They supply 600 beersellers.

9763. Mr. *Gregson.*] Is that loss by bad debts?—One-and-a-half per cent. they put down as the loss by bad debts; but they say it never reaches to that amount.

9764. *Chairman.*] When you talk of their supplying those houses; these houses do not belong to any of them?—Certainly not; they supply 600 persons. As to the price they sell their porter at, 30 *s.* per barrel, the great brewers charge 3 *s.* a barrel more; the great brewers charge 33 *s.* It gives a difference of a farthing per pot, which is derived to the public by way of benefit in getting a supply from those brewers, rather than getting a supply from the larger brewers, thereby showing that there is a facility of beer being supplied at a price more convenient to the public than by having it of the publicans themselves, the brewers of whom charge them 33 *s.* per barrel.

9765. That is only the charge of the brewer to the beerseller; you were going to tell us the difference in the charge to the consumer?—A large brewer sells to the publicans at 33 *s.*; whereas these brewers sell to the beersellers at 30 *s.*; consequently, the public gets the benefit of that 3 *s.*, which is one farthing per pot.

9766. There is that difference generally between the beershops and the public-houses?—There is; they get as good an article at a farthing cheaper than is supplied by the licensed victuallers.

9767. Do you know anything of the quality?—I am told that it is equal. I can only get that from those gentlemen of whom I made these inquiries a few days ago; and by the sale of their beer, from 1,000 quarters to 30,000 quarters in the course of the years that these Acts of Parliament have been in operation, would be some justification to believe that the article must be good, or else it would not be brewed and sold; the augmentation every year must demonstrate that the public are satisfied with the quality.

9768. Mr. *K. Seymer.*] Are they an exporting house?—They do export some little, but very trifling.

9769. *Chairman.*] Do the other beersellers' brewers supply the beer at the same rate?—I believe they do at 30 *s.*; whereas the other brewers supply it at 33 *s.*

9770. That is the proof you give that the Beer Act has not been a failure?—It is so; there is a better supply, and with greater facility.

9771. Now, have you any suggestions to make with respect to the law; I presume that your suggestions would be in the interest of the beersellers, and if you

you have any opinion to express, we shall be glad to hear it?—I would say as to the beersellers, that they should be put somewhat on the footing of the licensed victuallers. I see no reason why there should be any distinction made between the one and the other; and they should receive a certificate from some competent individual, rather than from either the overseer or the magistrates; and then that a licence should be granted as a matter of course by the Excise.

9772. That is what you mean by being on the same footing as a licensed victualler; that they should conduct the business of a publican, and that they should not apply to the magistrates for the licence?—I do not mean they should apply at all to the magistrates, either one class of persons or the other.

9773. You would change the whole system; you would allow the beerseller to carry on the trade of a licensed victualler?—I see no reason why they should not; I think you will raise his moral character and dignity by putting him on the footing of the licensed victualler.

9774. You would alter the present system in this respect?—Yes; I have seen beersellers obtain licences from the hands of the magistrates, and they have immediately laid out hundreds of pounds upon their premises, and made them most respectable and commodious for their trade. They only want an impetus for the purpose of rising, in fact, in the scale of society. I believe that they are, taking the whole of them (there may be some exceptions), a body of very respectable men, although there are individuals who form a very different idea of beersellers. We shall dine together in the course of a week or two, when about 1,200 beersellers of London will all sit down to dinner; and I can assure you, you would say they have a very respectable appearance, if you were to see them.

9775. Is that the society with which you are connected?—Yes. Now, as to the beerseller, he does not have a fair chance with the magistrates for his licence.

9776. There are some who apply for licences sometimes?—Yes.

9777. I presume you have known some who have not obtained licences?—Yes, a great many indeed. I hold in my hand a list of the Tower Hamlets division, containing 64 applications, and of these 64 applications, 35 are from beersellers.

9778. Is that last licensing day?—Yes, last March, and of these 35, four were granted; but the magistrates were exceedingly liberal this year; there were many more granted this year in the Tower Hamlets division than almost ever was known.

9779. More licences were granted this year?—Yes.

9780. But only four of those licences were granted to beersellers?—Yes; there are about eight divisions in the metropolitan district; there are several others as to parishes, but the larger ones are about eight or nine; and there are about 60 applications on an average in each division in the year, and I think the number granted is about 10 in every 60 of the licences that are granted.

9781. We understand that four were granted to beersellers, and six to persons who were not in the trade before?—There was this year an unprecedented number; there were 18 granted this year.

9782. In the division you are referring to?—Yes; four to beersellers and 14 to other individuals who had built houses in this division.

9783. Was there any reason why there should have been more this year; there has been some intimation given to the Committee that after a general election there are more granted; does that apply to your division of the Tower Hamlets?—Yes; but there was one beerseller who applied, and this was his tenth application; the house is situated in the Hackney-road, which is a very large thoroughfare; the house was built about 10 or 11 years ago expressly for a public-house; it is a respectable looking house, and all the interior is expressly adapted for a public-house; there is more than there is in houses of more modern times, the gin palaces, there is every accommodation here, such as a taproom for the poor man, a parlour for the tradesman, and there is a bar for the general supply; indeed, there is every accommodation in this house, and there has been an application for ten years without any success, and my impression is, if the man makes an application for the next ten years, he will never get a licence; I applied on his behalf this year, and stated to Mr. Wilson, the Chairman, on these licences being granted in open court, that he knew the house, and that the house was built expressly for a public-house, that there was every

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accommodation, and he did not know any house that he could grant a licence to with more propriety than this; he stated that in court; he said, "Mr. Ashley, how many houses are there between this house and the next licensed victualler's house?" That was the only question asked; then it was ascertained exactly the number of houses, and that being so ascertained, the licence was refused.

9784. Lord *D. Stuart.*] How many were there?—About 20, but there is no criterion as to houses; there may be a publican in almost every other house in the street, if it is near a market-place, or at the terminus of a railway, or in any great thoroughfare; but I am finding fault rather with the magistrates, although, I think, they act with a great deal of good feeling in matters generally; but inasmuch as while this house is refused a licence, a licence is granted to another house that is not farther distant from the house that was pointed out as being the obstacle to the licence not being granted to this man, and that on the first application.

9785. *Chairman.*] At the same time that this house which you represented was asking for a licence?—At the same time.

9786. Who opposed your client's licence?—The names of the opponents are also stated here; James Potter and two other victuallers. I believe my friend, Mr. Wire, was concerned for them.

9787. Lord *D. Stuart.*] They appeared by an agent?—Yes; they generally appear by attorney and counsel.

9788. *Chairman.*] And was that the ground, that it might interfere with their custom?—That was the only question raised by the chairman, namely, "How far is it to the next licensed victualling house?" If the chairman had seen, as he might have seen, the amazing population that there is immediately behind the house, for which we asked for their licence; the house is at the corner of a street, the population behind is exceedingly great, and the traffic down and up that road is exceedingly great; there would have been a perfect justification of this licence being granted to this house. My impression is, that it never will be granted. Here is the injury sustained. First, no man can ever be certain of getting a licence at all. I lay that down as a broad principle; there is no doubt if you go into a court of law, or embark in anything, you may come to some conclusion whether there is a likelihood of succeeding or not; but this is in the character of a lottery; there are 60 applications, 10 prizes and 50 blanks; the wheel goes round, and just as you happen to draw out these numbers, or houses, the prizes or blanks fall to the lot of the individual. It is almost of that character, looking at it for the last 20 years, and I have attended to the licences for the last 20 years, and it appears to me a lottery whether the man will get his licence or not. There is no certainty, everything is of an uncertain tenure. There is nothing from which you can conclude, if your case is as good as it possibly can be in the world, whether you will ever get a licence or not. No reason is ever assigned.

9789. Have you not heard, as you have attended to the evidence given before this Committee, that the magistrates act on certain rules in the county of Middlesex?—Then they keep their rules within their own breasts; if they did there would be a great saving of money. I should suppose in these eight districts, once a year, what with the barristers and incidental charges, there are at least 5,000 *l.* a year expended in these speculative applications. This man applies 10 times; he has applied sometimes by counsel, and sometimes by attorney. Supposing he had employed counsel and attorney each of those times, it would have cost him 10 *l.* each time. You would have to give three guineas to counsel, so that it would be about 10 *l.* Here is a man applying 10 times, so that there is 100 *l.* thrown away, and he is no nearer getting his licence than when he first applied.

9790. We see on that occasion two publicans in that neighbourhood appeared by their agent to oppose this licence being given?—Yes.

9791. You stated afterwards that there was a house licensed at the same time, at no greater distance from the house that seemed to influence the magistrates in their decision?—Yes.

9792. Did the persons who opposed your client getting a licence appear for the man who got the licence?—There was an opposition there, but that opposition did not succeed. Margaret Cox and James Slack, licensed victuallers, appeared against the same.

9793. Did

9793. Did the persons who appeared for those who opposed your client appear for the house that obtained the licence?—No, they did not.

9794. Mr. *Gregson.*] If it be a lottery, one person stands as good a chance of the prize as another?—Yes.

9795. *Chairman.*] But all hope to get the prize?—It is hope deferred.

9796. Is it, or not, the case that the magistrates take a view of the premises some days before they meet to licence the houses, and hear the applications, and hear evidence on the spot, as to what they call the requirements of the district, and having satisfied themselves about that, they decide accordingly?—I believe they do that.

9797. That is a sort of rule?—Yes; but any individual might fulfil that duty, and a single individual better than a body of magistrates; then perhaps there would be no confliction of interests, nor any pressure on magistrates as to the influence used on them. I venture to say that myself, or any individual with ordinary talent, could go into a neighbourhood and see a house, and ascertain whether that house has all the requisitions necessary, and then see the man, and ascertain whether the man is a man that ought to have a licence; and then look at the neighbourhood, and see whether the wants of the public require that house to be licensed or not. Those are things that any individual could do.

9798. Mr. *K. Seymer.*] Would you put it in the power of any individual to decide that which is now supposed to be decided by the magistrates, as to the number of public-houses in the district?—I would put it in the hands of the Chief Commissioner of the Police.

9799. *Chairman.*] You think one man is as good as another?—Quite so, and more independent. But let there be an appeal; I consider that there ought to be an appeal.

9800. I do not understand you to say that one man can decide what number of persons is engaged in a trade, but that if any person is to decide, and that is not to be left to the ordinary operations of trade, a policeman is as good as a magistrate?—I mean to say that the Chief Commissioner of Police is a man, of course, of information, and mind and talent, able to form a correct judgment.

9801. Mr. *K. Seymer.*] Are we to understand you to mean that it would be desirable to have the number limited by some authority, or would you leave it open, as you do butchers and bakers and other trades?—I would limit it, and let the Chief Commissioner of Police say whether there should be a licence or not; it depends a great deal as to the prosperity and respectability of the trade, both as to licensed victuallers and beersellers, on the conduct and vigilance of the police; and as the matter is very much in their hands, the Chief Commissioner would be the best judge whether a licence would be necessary or proper to be granted to a house or not. Let there be an appeal, and let that appeal be a jury of the district or division. Let the jury be twelve men, call them, if you please, a special jury, for that purpose, and allow the County Court judge to empanel that jury for the purpose of deciding whether the licence should be granted or not. Now, this will save the creation of any new officers, which perhaps to your Honourable House would be very objectionable, especially to some Members who are very tenacious of the public purse. Therefore there would be no new creation of officers here, if the Chief Commissioner of Police was to be the judge, in the first instance; and if the parties chose they might appeal against his decision, and then by a special jury of twelve gentlemen of the district, to be empanelled by the judge of the County Court, a decision, I think, would be come to proper and satisfactory to all parties.

9802. Mr. *Gregson.*] You are not satisfied with the jury of magistrates?—Not at all.

9803. *Chairman.*] What do we understand you would submit to them to decide; would it be the number of applications made for the licenses; because we understand there are sometimes conflicting claims who should have the licence?—That very seldom happens; there may be two houses in a district that may conflict with each other occasionally, but that is very rare.

9804. What would you do with your 65 claims that were made in the division of the Tower Hamlets; would you have the Commissioner of Police and 12 gentlemen sitting on each of those 65?—It is only for a single day, about three hours. Let him sit as a court, if he pleases.

9805. What would you have him decide?—He should hear the cases just the

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same as the sessions hear the cases now, and he should be the sole judge, rather than the eight or ten gentlemen who sit there together from the same locality, and I have every reason to believe of very powerful influence, and it depends on the influence so exerted on the minds of the magistrates in a great measure whether the licences are granted or not. This Commissioner would hear the cases as they are heard now. I would let counsel and solicitors appear before him, as has been the case, and let him decide, and let there be an appeal from his decision, and that to a jury of the country.

9806. That would not save expense much?—There would be more satisfaction.

9807. Mr. *K. Seymer.*] In the case of an appeal, would not very powerful influence be brought to bear on those jurymen residing in the district, just in the same way that it is brought to bear on the magistrates now?—No, I think 12 special jurymen, with such men as Mr. Green, of Blackwall, and other respectable gentlemen, would not be under any influence in granting licences.

9808. I understood you to say that you would give the power to the police, or the persons who have the looking after these houses?—They have now.

9809. Would not that influence the Commissioner of Police in restricting their number; he would not wish to have more trouble from more new houses?—I think he would do justice; or it might be some other individual; I have only suggested the Chief Commissioner of Police, as being already in office.

9810. Do you think he would do more justice to the requirements of the public?—I do.

9811. Do you think he would do fairer justice than by leaving it open, like other trades, to competition?—I think quite; you had Mr. Daniel Whittle Harvey here the other day; from the evidence he gave, I should think that every individual would be satisfied at leaving matters in the hands of the Chief Commissioner of the City of London to say what houses ought to be licensed and what ought not.

9812. *Chairman.*] That was not Mr. Whittle Harvey's evidence; as far as I understood your evidence just now, it would go to alter the system under which beerhouses obtain their licences; and instead of giving them the right as conferred by the Act now of getting a licence on the payment of the duty, you would leave it in the discretion of some public officer to decide whether they should have a licence or not, and allow him to judge of the circumstances of the case, as the magistrate does now?—Just the same, and more justice would be done; none of us could doubt that it might be confided to the Chief Commissioner of the City of London, Mr. Daniel Whittle Harvey.

9813. Let us understand what is your plan, and whether it is the amendment which has been suggested to the Committee, by Mr. Whittle Harvey and others, namely, that under certain restrictions every man should have a right to have a licence?—Just so.

9814. And then you would leave it to the police and the magistrates to enforce the law in the regulation of the house?—Yes.

9815. As far as I understand, you differ in this respect, you say it must be in somebody's discretion to determine what the district requires, and on his decision must depend the number of licensed houses that shall exist?—If the trade is not thrown open altogether; I am presuming now that there would be no such alteration as that; that the trade would not be thrown open; then there must be some tribunal.

9816. We are trying to get the benefit of your experience, after considering the state of the law now, and the operation of the Act affecting any class of houses, what would be the improvement; you have referred to Mr. Whittle Harvey's suggestions as a great change in the system, and you have made a suggestion of your own?—Supposing the Committee should not be inclined to report for the opening of the trade altogether, but that there should be licences granted by some individual, the question is, whether the magistrates should be the persons, or whether there should be some individual for the granting those licences.

9817. You complain of the uncertainty, almost capriciousness, if not undue influence, that is manifested now in granting the licences?—Yes.

9818. And you propose that, if that kind of system is to be continued, that there should be some individual, a public officer, to grant these licences?—Yes.

9819. Now,

9819. Now, let us hear what your opinion is about throwing open the trade, and subjecting every man to a certain duty or payment on obtaining his licence, but leaving it open to everybody to get a licence?—I see no difficulty in coming to a conclusion on the subject; it would be beneficial to the community, to every one, that the trade should be thrown open; that every man should have a right to trade in beer, spirits, and wine, as any other articles, under certain restrictions.

9820. Your clients do not object to those regulations; they do not object to the regulations of the police that exist at present, and, in some respects, they would not object if they were more stringent?—They would not.

9821. Now state what you believe would be the effect of that on your clients' property, if the trade were thrown open; do not you think that a great number of them must cease to carry on trade?—I think not; there would be an alteration, no doubt; there was an alteration when these different Acts of Parliament passed, as we see by the returns. It would depend whether the qualification should continue as it now does, or whether there should be an alteration in the qualification.

9822. You mean the rating?—Yes; and, secondly, whether there should be any alteration as to the duty to be paid for granting a licence. These things, of course, would have an influence on the matter.

9823. Have you a great number of clients who could not supply themselves with stock, who would not have capital enough to carry on the business of a victualler?—I think there is no difficulty at all on that head; persons who see their way clear to getting a respectable livelihood can always, by some means or another, get capital enough for embarking in trade.

9824. And if he has not credit enough for that, he could not go on in the trade?—He could not go on, or he would be reduced in the scale of society.

9825. If the trade was thrown open, do you believe that the trade would or could be carried on as it is now, one class of publicans dealing in one article, while another class dealt in all the articles that publicans would naturally supply?—I think they would deal in all the articles.

9826. They would not remain classified as they are now?—No; some individuals would continue to deal in beer, but I should suppose that every individual would feel inclined to embrace the opportunity of selling all the articles of the trade.

9827. The first effect would be to raise generally the character of the persons engaged in the trade, so far as that would be tested by his capital?—Yes; their premises and everything would be raised in respectability.

9828. It is one of the effects of the present state of the law, that every poor person can engage in this branch of the trade?—Yes.

9829. The effect of that is to keep their houses and character very low?—Yes.

9830. Attracting low characters to them?—More so in the country than in the metropolitan districts; they stand much more respectable in the metropolitan districts than in the country districts.

9831. Are the beerhouses in the metropolis more independent of brewers than the victuallers' houses?—I should say they were, though they have their supplies from their brewers upon certain credits; but I believe that they give no security of any sort or kind to those brewers for the supplies that they have.

9832. You mentioned the case of one brewer who supplied 600 houses, and yet who did not own one of those houses?—No.

9833. Is there any other connexion between that brewer and the houses beyond that of receiving the beer they supply?—I believe none.

9834. They are not in the habit of advancing money to beersellers as they are to licensed victuallers?—I believe not.

9835. Sir *G. Goodman.*] Your observations seem to apply chiefly to the metropolis?—Yes, certainly.

9836. In the country districts, where no rural police exists, it would not be possible to follow out the same view as with regard to the metropolis, where there is police?—There is a commissioner of police in every district of the country; there are not constables appointed to some of the rural districts; but there is a commissioner of police for every division of England.

9837. *Chairman.*] The Beer Act applies to the whole country, whether there is police or not?—It does, both to England and Wales.

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9838. Sir *G. Goodman.*] Do some of the beerhouses obtain beer from the large brewers?—Mr. Robert Hanbury gave evidence that he supplied 35 beerhouses.

9839. The others brew their own beer?—Or they are supplied by this new class of brewers, of which there are about 10 or 12.

9840. Mr. *K. Seymer.*] When a large brewer supplies a beershop, does he charge 30 *s.* or 33 *s.*?—That I do not know.

9841. Mr. *Gregson.*] Mr. Hanbury said that there was a discount which brought it down to the same price?—That depends on whether cash is paid; this is a perfectly distinct 3 *s.*; the one charges 30 *s.*, and the other 33 *s.*

9842. Mr. *K. Seymer.*] Then the beershops as a body retail beer cheaper by a halfpenny a pot?—By one farthing, which is eqivalent to 3 *s.* a barrel of 36 gallons.

9843. The quality being the same, interferes a good deal with the trade of the publican?—It must affect the beer trade of the publican.

9844. *Chairman.*] He sells spirits and other things by which he can recover himself?—Yes.

9845. You are acquainted with the kind of influence which the brewer exercises over the publicans in London?—Yes; I have heard evidence in this room that of 6,000 houses supposed to be licensed victuallers, that 5,000 of those houses are free. I think it is really the reverse. I think if 1,000 are free, it is just about as many free houses that there are out of the 6,000. I was speaking to a gentleman in the High-street of Shoreditch, who has been a licensed victualler for 30 years, and asked him, "What do you say to the free houses?" He says, "Take the whole of the district, you will not find one house in 10 that is free either from the brewer or the distiller"; and from my knowledge and connexion with publicans, I believe that to be as fair an average as can be made. Now I know an instance just in my own neighbourhood, which is about the nearest public-house to my own offices; there was a person living at the corner of Pitfield-street, Old-street Road, who had a lease under Mr. Davies, the banker, of which there was about six-and-a-half years to come, at 50 *l.* a year. Now that lease was worth from 1,000 *l.* to 1,200 *l.* I was applied to on behalf of the tenant of the house to negotiate for a new lease, and I saw Mr. Davies, and ultimately I did succeed in that negotiation. A certain sum of money was laid out on the premises, 400 *l.* or 500 *l.*, and I handed over the cheque of the brewer for 1,100 *l.* for a new lease of 21 years. Now put the old lease down at 1,200 *l.*, and 400 *l.* down for the repairs, that makes 1,600 *l.*, and I put 1,100 *l.* for the new lease, that would be 2,700 *l.* That lease was put up to auction within six weeks after it was granted, and it was sold on its first presentation to the public for 5,775 *l.* The lease being in the hands of the brewer, when they came to what is called to change, the brewer had his account in one hand and the lease in the other, and he received upwards of 4,000 *l.* on handing over that lease.

9846. From whom?—He received it from the sale of this new lease, that is to say, the old term, together with the new, making about 27 ½ years, the 4,000 *l.*

9847. Mr. *Gregson.*] What difference did the licence make in the value?—I should say that the licence would be of the value of 2,000 *l.* or 3,000 *l.*, at the least.

9848. Mr. *K. Seymer.*] If the licence had been granted for 20 years certain instead of being annual, it could not have been much better?—No; and in this case of the individual who sold this house for 5,775 *l.*, the brewers took the whole of the money; the man himself was in insolvent circumstances, and the creditors, of whom I myself was one, received 3 *s.* 2 *d.* in the pound, while the brewer received his full 20 *s.* in the pound.

9849. *Chairman.*] That is a case which could not occur if the trade was open?—Certainly not.

9850. Mr. *Gregson.*] You alluded to two houses, one of which obtained a licence and the other was refused; were they both in the same district, old districts or new districts?—Unquestionably there were some new houses built adjoining to the house where the licence was granted, but it was at no greater distance from this house. I am quite prepared to say that house was granted in a new district.

9851. The old district was supplied with houses?—So the magistrates contended;

tended; but it is only as to the distance, the space between the Nag's Head, the house of my client, and the house that was granted; I applied for the house that was granted, and got the licence; I am not here to find fault with anything, but only to state facts; the magistrates only asked as to the space between one house and other, and the licence is granted to that house where the space is not larger than that I asked for in the first instance.

9852. *Chairman.*] Are you in the habit of always attending this division?—Always.

9853. Do the same magistrates always attend?—Pretty nearly always.

9854. Sometimes more, or sometimes less; though some of them being always the same?—Some always the same; the chairman is always the same.

9855. It is decided by votes whether the licence should be granted, or not granted?—They decide that privately; they have a private room, and come to a decision as to what licences shall be granted in that private room before they come into court. Then they come into open court, and the clerk takes up this list and calls out the name of the party applying, and the house; the chairman then simply says, "granted," or "refused." So he goes down the list, which he does in ten minutes.

9856. When is there the argument by counsel heard?—That is the day before.

9857. The day before, or the same day?—About a week before; and they take a view after hearing arguments. They meet generally on a Monday, and then they take a view in the course of the week.

9858. Who do you mean by they?—The magistrates.

9859. All those who decide, or some of them?—They are very nearly the same individuals; there are seven persons who are as nearly as possible the same individuals.

9860. Mr. *Gregson.*] They do not decide till they take the view?—On the Monday they hear the arguments, and on the following Monday take the view; and on the following Monday, before they come into court, they decide what shall be granted and what shall not, and then the list is read over, and the chairman simply says, "granted," "refused."

9861. *Chairman.*] We have heard that the magistrates are a good deal annoyed by canvassing, and that they receive applications of all kinds from different parties; have you any reason to believe that persons hope to influence the magistrates by applying to them, and canvassing them?—I believe that no licence is granted without such applications.

9862. There is no rule that prohibits an application to the magistrates on the subject?—Not at all; the most powerful influence is used. It is not publicly declared or publicly known; but it is the fact. Mr. Alderman Wire knows that as well as I do.

9863. It is a fact that influence is used with the magistrates?—Very powerful influence, and ramifications of all sorts and kinds; very great indeed.

9864. That is on the part of the friends of the applicants?—Friends of the applicant, and friends of friends; it goes through all manner of channels.

9865. Are there influences to prevent persons getting licences; do some persons apply to the magistrates to refuse the licence?—Yes, on the same principle.

9866. It affects the value of existing property if licences are granted?—Undoubtedly; looking down this list, the 64, with the exception of two, the opposition to every one is by publicans; out of 64, there are two instances which may not be, but in every other instance, the opposition is by publicans, stimulated, of course, by their brewers and distillers.

9867. Do the brewers and distillers ever appear themselves, or by their collectors or agents, to oppose a licence?—No, they do not come out so prominently as that.

9868. Do you attend also when the licences are being transferred?—I have nothing much to do with transfers.

9869. Are not the licences sometimes transferred to beersellers?—There is no transfer of a beerseller's licence.

9870. A publican and victualler may apply for and receive a licence?—Yes.

9871. Cannot he transfer that to a beerseller?—Certainly.

9872. Is there the same inquiry made into the transfer of a licence that there is into the character of the first applicant for it?—Of that I have no knowledge whatever;

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whatever; I understand that there is some inquiry made about the individual, but whether there is or not I do not know.

9873. It is not the practice of beersellers to purchase licences from victuallers?—No; I do not know of an instance of a beerseller having purchased of a victualler the good-will of his house; the applications are generally made by beersellers.

9874. Mr. *K. Seymer.*] For their own house?—For their own house.

9875. *Chairman.*] Do you know anything about the length of time that beersellers remain in business after they have taken out an Excise licence?—I know some of them that have been so these 20 years; their treasurer, Mr. Lindsay, in the Kent-road, has had his house more than 20 years, as long as I recollect the society.

9876. Do not many of them last in the trade long?—Great numbers of them; a person of the name of Matthews, in our street, has been there 16 or 18 years as a beerseller.

9877. Do you know anything about the case with regard to the licensed victuallers, whether the transfers are very frequent?—There is certainly a great change in the occupation of houses; in our neighbourhood especially, there has been a great change in 12 months.

9878. Do you know what the reason of that change is; is it that they fail in the business?—In one or two instances they have, which I know, because I have been concerned in the matter.

9879. Have they been people who own the houses, or put in by brewers?—Leaseholders. One individual has been there 30 years, in the High-street; he almost wore himself out and his trade too, and he was obliged to give up.

9880. Mr. *Gregson.*] The first house in this list is a beerhouse, called the Flying Horse; five applications refused; there does not seem to be any opposing petitioner there?—No.

9881. What was the objection?—The magistrates there exercised their own discretion.

9882. There is a house which formerly had a licence, the Brassfounders' Arms; was the licence withdrawn?—There does not appear to be the least opposition to it.

9883. The licence must be taken away?—It was a licensed victualler's house before; by some means or other the licence was withdrawn or taken away, and then it was turned into a beerhouse, and then he applies to reinstate it again in its original form.

9884. *Chairman.*] Is it commonly the case, or of frequent occurrence, that a man loses his licence as a victualler and takes out one from the Excise?—He does in some instances, but they are very rare in London. There is one that I applied for when it was a licensed house, and the licence was not lost, but the individual went away to America, and consequently did not apply for a renewal of it; the man who now has it is a beerseller; he has applied to have the house opened in the same position that it was before. The magistrates refused, considering there are enough houses in that neighbourhood of Long Alley

9885. Is it the opinion that prevails among beersellers, that they would sell more beer if they had the power of selling spirits also?—I should say so, that they very likely would sell more beer; for this reason: supposing two, or three, or four individuals in company were to go into a house, one person might take spirits, and the other three might take beer, consequently they say, "Let us go and take a glass of something to refresh us here." By that means a man's custom would be augmented, and he might find more customers for beer, although he might be permitted to sell spirits.

9886. Mr. *Gregson.*] When they begin to drink either beer or spirits in a small quantity, you think they might increase their quantity as they went on?—That would be possible.

9887. *Chairman.*] Is there any other suggestion you wish to make?—I think not.

Veneris, 29° *die Julii*, 1853.

MEMBERS PRESENT.

Mr. Villiers.	Mr. Barrow.
Mr. W. Brown.	Mr. Gregson.
Lord Ernest Bruce.	Sir G. Goodman.

THE RIGHT HON. C. P. VILLIERS, IN THE CHAIR.

Mr. Alderman *Humphery*, called in; and Examined.

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9888. *Chairman.*] REFERENCE was made to you by a witness who gave evidence before this Committee, naming the year 1849, when a person named Wallis applied to have a licence; he had applied before, and he had been refused, and was refused upon the occasion to which he refers again. He seemed to be a man, according to the evidence that was given here, in every way qualified to have a licence, as far as being a man of property, of good character, and having a large house suited to the accommodation of the public, but the witness implies that he was unsuccessful owing to the influence that was used against him; and the reference made seems to point to you as having caused the licence to be refused. Do you remember the circumstance of the application, and do you remember interfering, for any reason, to prevent Wallis from obtaining his licence?—I remember the circumstance well of Mr. Wallis applying in the first instance for the licence. He applied at the same time that I applied for a licence for my house opposite, at the foot of London Bridge; I never interfered in any way or shape to prevent his getting a licence; I considered that his house could not interfere with my hotel, a house making up 70 beds, with a very large coffee-room, and great accommodation. It was built by me for Mr. Harvey, who kept the Three Tuns in the Borough, but he unfortunately died before it was completed; he was killed going to Kennington, and the result was that the house was left entirely on my hands. I was not a magistrate in the years 1832 or 1833, when Mr. Wallis applied, and the magistrates, I believe, decided against granting him a licence.

9889. He applied for a wine and spirit licence for a house in that neighbourhood?—Yes, opposite the Bridge House Hotel; he applied at the same time I applied for my house, and the applications were both refused the first year. In the second year, on applying, a licence was given to my house, but his was refused, on account, as I understood at the time, that it was not in a convenient situation on account of the immense traffic to the railway and to Tooley-street, and that it might be the means of loss of life, and there being no coffee-room without going up-stairs, and no room on the ground floor; this was the account I heard of his not getting the licence the first and second time. He petitioned for it, and he then had all the officers of St. Olave's and St. Saviour, and, I believe, St. Thomas's, against him.

9890. What year was this in?—In the year 1833, the second year he applied, and then he appealed to the sessions at Reigate, and he was unsuccessful on that appeal. I must explain, that the magistrates who sat at the sessions held at the Session House, Newington, although magistrates for the county, are not allowed to vote on appeals to the quarter sessions at Reigate, and on Mr. Wallis appealing he lost it. Then he applied again, and was refused; and appealed again, and, I believe, if I am not wrong, I signed a petition in favour of his application, which was again refused. The next time they decided against him, and he appealed again to the quarter sessions at Reigate, when he employed Mr., now Sir Frederick, Thesiger as his counsel, and the sessions then confirmed the decision of the magistrates at Newington.

9891. Do I understand you to say that you signed his petition?—I once signed his petition; I do not know whether that was the time, but I signed a petition in his favour. In 1835 he appealed again, and on that occasion there was no petition against him. The churchwardens of St. Olave's, St. Saviour's, St. John's, and St. Thomas's had opposed him formerly, but they did not oppose

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him on that occasion, but his licence was again refused. He appealed again to the quarter sessions at Reigate, the magistrates dismissed the appeal, and compelled him to pay 60*l.* costs. On the previous occasions, the appeal had been dismissed without costs, but upon this it was dismissed with costs. During every year since he has applied for a licence; during the 13 years that I have been a magistrate, I have invariably voted for its being granted, but the opinion of the majority of the magistrates has always been that the house would be a great nuisance to the neighbourhood, and that however orderly the manner in which the house was conducted, if spirits were sold there, people coming out in liquor, and not capable of taking care of themselves, must be liable to injury. As it is, one or two accidents have occurred; in one instance a man was killed who came out, by a cart running over him, and he was killed on the spot, at the very corner. A great number of carts, waggons, omnibuses, cabs, and other vehicles pass that corner, which makes it exceedingly dangerous, according to the opinion of the magistrates. It was laid to my charge that I opposed his having the licence, and that I did everything in my power to prevent him, which report is perfectly absurd. I have no interest or motive in opposing his licence; his house is filled now very largely, and he sells beer to a great extent, and I do not know whether he would improve himself by having a spirit licence, if he could get it. I myself do not feel there would be much harm done if he had it, but the magistrates have thought for the last 20 years that there would be great mischief arise if he had a licence for the sale of spirits in that neighbourhood.

9892. You do not know of any other reason that the magistrates have for withholding the licence?—I do not; the only reason I have ever heard since I have been a magistrate, is, that the house was so badly situated and so confined. It is a wedge of a house, which I will explain to you. (*The Witness explained the position of the house to the Committee.*) Then again, it is said that I used influence against Mr. Wallis getting sufficient ground to build his house; I had nothing whatever to do with his getting his ground; all the ground in that neighbourhood was put up to public tender, and Mr. Wallis might have had the whole of that corner if he had liked. I bid with others, and mine happened to be the highest tender that was put in, and consequently I got the ground all round him. Sir Matthew Wood being on the London-bridge Committee, was the cause of his getting a piece in that corner, where he was either to build a house, or do what he thought proper with it. He built the house, and I built one opposite, but I did not interfere with him. We both thought it would be a good situation, and his might have been if he had taken more ground behind it. I said before, that I built the Bridge House Hotel entirely for Mr. Harvey, who kept the Three Tuns tavern in the Borough.

9893. The house has ceased to belong to you then?—No; it is freehold, and I have let it upon lease. My house cost from 25,000*l.* to 30,000*l.*, and I do not get more than 2½ per cent. for my money. I let it for 1,000*l.* a year, with furniture and all complete.

9894. Has Wallis ever given any reason why he has not altered his premises, to make them safer, or is it impossible to do so?—It is impossible for him to alter them; it is the run of persons round that corner which the magistrates seemed to be fearful would cause a nuisance and mischief. I do not think myself it would cause a greater nuisance with people drinking spirits there than it is now with people drinking beer.

9895. You say that even under the influence of beer there has been an accident?—Yes, a man has been killed, and a woman has had her leg broken; there have been other serious accidents there. I hold nearly all the ground down Duke-street; nine houses there belong to me, and about the middle I let a house to a Mr. Bolton some five or seven years ago. Something has been said by Mr. Ridley about Mr. Bolton getting a licence last year. I let the house to Mr. Bolton as a beerhouse-keeper; he came from Marylebone. I was against his having it as a beershop, but he pressed me very hard to let him try. He tried, and expressed great satisfaction, after being there four or five years. He was doing exceedingly well as a beershop-keeper, though the house was very small, when the fire which happened two or three years ago burnt the house next to his, belonging to Mr. Wigan, the hop-merchant; Mr. Bolton then asked me if I would allow him to join it to his house as a beershop; that he then made up 20 beds, and wanted to make up more, and also to make a large coffee-room.

room. I consented. He had got a lease from me for 60 years; and after he had got his place nearly finished and furnished, he applied for the licence; when the magistrates came down, and examined the two houses put together, and thought it was such a good house that they licensed him last year, provided he made one entrance, and made his coffee-room for the purpose he intended. It is laid to my charge that I prevented Wallis from getting his licence last year, and yet got one of my own tenants a licence. I had no interest in the licence to Mr. Bolton; he merely pays me the rent I got before as a common private house and shop, and has got a 60 years' lease of the two houses, independent of any licence.

9896. In answer to the reference that is made as to Bolton being your tenant, you state that you did not interfere in any way to procure him a licence?—Not at all.

9897. It is not alleged that you did so, but the inference is rather that you did?—I was surprised that he got a licence; but I never interfered at all.

9898. Through what magistrates or bench did he get it?—From the bench at Newington, Surrey. There were 26 magistrates present. Mr. Wallis applied on the occasion when Mr. Bolton got his licence; and I think if he had applied properly he might have got his licence.

9899. There was some informality in his application?—Yes; or I think he would have got his licence when Bolton got his.

9900. Why?—The magistrates might have said, "We are licensing a man within six or seven doors of Wallis;" and why not license him?

9901. Do you know the rule on which the magistrates proceed?—They have a committee of licensing magistrates, which I seldom attend. Mr. Johnson is the chairman of that committee, and the committee go round and examine all the houses, and make up their minds which ought to be licensed, and which not. I am one of those that disagree with them, for I always vote for a house being licensed if it is in a proper situation, and a proper house for the purpose.

9902. Then you would not leave it to the discretion of the magistrates who should and who should not have a licence?—You must leave it to some gentlemen to examine and look into; but generally speaking, I should not.

9903. I understood you to say that you would take other securities for the good conduct of the house than that which is implied in the granting of licences by the magistrates?—The magistrates examine, in the first instance, to see if the houses are in good situations, and whether the houses are useful for the neighbourhood.

9904. What do you mean by that expression, "whether it is in a good situation"?—Not in any bye-place, where they could not be seen by, and under the jurisdiction of, the police, so that they might have bad characters in their houses, who could not be well looked after.

9905. That would be a matter for the police to look after; and they would be bound to find out where such public-houses were, and to watch them, as that is part of their duty?—No doubt they would do that.

9906. Is it with a view to protect existing interests that the magistrates ever go to the spot where the licence is applied for?—I do not think the magistrates look at that; I think they are always very careful. If a man applies for a licence there are generally petitions in favour of and against the application. No new house has been licensed, as long as I have seen licensing going on, without petitions for and against. There is always a petition from the neighbourhood, stating that the house is not wanted; and then there are petitions stating that the house is wanted.

9907. Petitions against it?—Yes; and I do not recollect any house that has been licensed but what there has always been some petitions against it. The publicans in the neighbourhood naturally get up a petition against a new house. They are sure to do that; therefore there are always petitions against.

9908. There are some evils attending the system in various instances; in the first place, the magistrates may not always be right; and in the next place, they can never satisfy a person who is disappointed?—Never.

9909. Do you think it would be attended with greater evils if, giving certain securities for the good conduct of the house, and the payment of the penalties to which he might become liable, a man could claim a right to have a licence?—I think whoever had the licensing should have power to see whether the house was in a proper situation, and whether it had a proper claim for it, without the man

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saying, "I will have a licence; I am prepared to give you the penalties that are required as long as I have the licence." If persons had a right to demand a licence on giving security, it might be attended with very great injury to many inhabitants in the neighbourhood; you might have a public-house on each side of your private house, and that would be a very unfortunate thing, as it might be made the means of a man forcing you to buy him up, in order to put an end to the nuisance.

9910. But that would apply to other trades as well?—Not so much as to public-houses. It would only be in an isolated case now and then that such a thing could happen.

9911. The requirements of the magistrates, or the good conduct of the house, you would leave to the publican and the police to decide?—I think so; after the licence is granted the magistrates have not much to do with it. The licence is signed by the magistrates, and they then go to the Excise and get their licence. After that is done the magistrates have very little else to do with the matter.

9912. The licence is always renewed afterwards, unless on proof of some bad conduct?—Yes, it is always renewed, unless charges have been made by the police, which are always brought forward and represented to the magistrates on that occasion; if there are any charges against the house, and they are repeated, it has often happened that the magistrates have stopped the licence, or not allowed the licence to be issued; but that very seldom happens.

9913. Is Wallis's house within the City of London?—No, it is in the Borough of Southwark.

9914. Where would the appeal be to?—To the Surrey magistrates at Reigate; he has appealed there three or four times. Mr. Ridley has thrown out that I have been the sole cause of his not obtaining the licence, when I have had no more to do in preventing the granting of the licence than any gentleman present. It happens not unfrequently, that if one man gets a licence and another does not, the one who gets the licence has to bear the blame of the other not getting it; and in this case all the odium has been thrown on me; and at one time I could hardly pass along the street without being charged with preventing his licence being granted.

9915. I suppose there is a great deal of canvassing for these licences?—Yes.

9916. A great deal of influence used?—Yes; when I say a great deal of canvassing, there is not so much as you would suppose. A man who has got a house and wishes to have it licensed, would no doubt canvass for it, but I did not canvass for mine; that was unnecessary.

9917. As a magistrate, and having been a Member, you are cognizant of the fact?—Yes; the brewers sometimes write to say, their house is in a good situation, and if there is no reason why it should not be granted they hope you will vote for them; that is often done.

9918. It is in favour of a man when the brewer recommends him to the magistrates, is it not?—I do not know that it is; I do not think it is the case with our magistrates in Surrey.

9919. Is it not some security that he will be a respectable man?—No, I do not think so; I do not think the magistrates in Surrey, and I have been with them 14 years, ever look to the recommendation of a brewer. They are very tenacious of licensing new houses. At their last licensing day they had 148 new applications for licences in their district, and there were only eight or nine licences granted. The year before there were only three licensed out of 150, and this year, I believe, I was the cause of getting some of the gentlemen to vote, so that we got three or four new licences this year more than there would have been.

9920. Is there an impression that there are enough public-houses in the Borough?—This was not in the Borough; the Borough is filled with them. This was the district of Camberwell, Brixton, and Walworth, where there is quite a new district springing up.

9921. Those applications came to Newington?—They all came to Newington.

9922. Is there any general rule on which the magistrates act, by which the majority of these applications are disallowed?—The case was discussed, but the committee had viewed all the houses, and Mr. Johnson, the chairman of that committee,

committee, came down with his memoranda of what he considered as to every house that was examined.

9923. And they were enabled to say to the 145 persons who applied, that the district did not require any more?—Yes, there were a great many petitions in favour of the houses, and a great many against, and at present they declined granting any more.

9924. Were you on the bench?—Yes.

9925. Do you remember on what ground the objections were rested that were taken to these houses?—The objection principally taken was, that there was not sufficient neighbourhood for them. Public-houses had been licensed in that neighbourhood a year or two ago. New neighbourhoods had then sprung up, and public-houses had been started, but the committee thought that there was a sufficient number of public-houses, and they did not require any more.

9926. Did anybody attend on behalf of the licensed victuallers on that occasion to oppose them generally?—No; the practice of our sessions is different from most of the licensing magistrates; we never allow any person to be in the room.

9927. Not to state the case?—Not to state any case. There is a rule by the chairman and the majority of the magistrates, that no person, either solicitor or barrister, shall be heard. There used to be an advocate heard on the licensing of all new houses at one time, but that caused such confusion and such noise, and the place was filled with some 100 or 200 people, that they were obliged to prevent that in future. Now the whole of the magistrates sit with their clerk, and no person is allowed to be in the room.

9928. Practically, then, you decide without hearing any person for or against?—Yes.

9929. Sir *G. Goodman.*] Are the doors closed?—Yes.

9930. Mr. *Barrow.*] You decide on the written statements in the petition, and the knowledge of the magistrates?—Yes.

9931. Sir *G. Goodman.*] Have you more than one public-house in the borough?—I have got one which is called the Bridge House Hotel, which was built at the same time as Mr. Wallis's house, and, as I have said, Mr. Bolton has the lease of two houses, not as a public-house. He has got a licence by conforming to the rules which the magistrates called on them to conform to, and he has got a licence to that house which belonged to me; but I have no interest, as far as the rent goes, in his having the public-house, because he pays me the rent of a common shop.

9932. Have you had another house licensed since the large hotel?—That was the one; Mr. Bolton, I mentioned, applied last year.

9933. How long is it since Wallis's was built?—At the same time as mine, at the foot of the bridge.

9934. *Chairman.*] Nearly 20 years ago?—Yes; he applied for a licence in 1833.

9935. Sir *G. Goodman.*] Is it a good house?—It is the sort of house I showed you; nobody can miss seeing it who is going to the Brighton Railway; it is at the corner as you turn round.

9936. *Chairman.*] Is there any other part of the evidence that you wish to notice that Mr. Ridley gave?—No; my sole wish is to disabuse the minds of the Committee and the public, and to repudiate the imputation so unjustly cast upon me by Mr. Ridley, who states that the ground and licence were promised to Mr. Wallis, but that doubts were felt of his obtaining them, owing to the underhand influence of "a certain alderman," meaning myself. I beg leave most positively and distinctly to state, that I never, either directly or indirectly, opposed Mr. Wallis in obtaining the ground or the licence. I got my own ground by public competition; there were other competitors, but I happened to be the highest bidder.

9937. Mr. *W. Brown.*] Are you of opinion that the public are quite as good judges of the wants of a neighbourhood, as to public-houses and their accommodation, as the magistrates?—No doubt they are; and for this reason the public in a neighbourhood either petition for or against it to the magistrates, to let the magistrates know their opinion.

9938. If there are too many public-houses competing with each other, of course they could not all be very profitable concerns, and those that were not profitable would probably cease to be public-houses, if the trade was free?—There

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There are a great number of public-houses in Southwark; some have done well, and others have not; there are some shut up now, in Tooley-street, within two or three doors of each other, or on the opposite side of the way.

9939. Do the recommendations given to the magistrates, which they sometimes have before they grant licences, have any value at all?—In my opinion the Surrey magistrates have never interfered with the recommendations at all.

9940. That is, that they throw the recommendations aside?—Yes; they have considered it as a matter of justice to the neighbourhood whether there should be more public-houses or not.

Mr. *George Ridley*, called in; and further Examined.

Mr. *G. Ridley.*

9941. *Chairman.*] YOU have given evidence with respect to a house kept by Mr. Wallis; that evidence has been submitted to Alderman Humphery, and he has come here for the purpose of giving what answer he thought proper on that subject. He has stated that he never did interfere with Mr. Wallis's licence, to prevent his getting it; and those who have stated so have been misinformed on the subject. Do you wish now to state anything on the matter?—Mr. Wallis told me that the alderman stated that if his house got a licence it would be a nuisance to the Borough. Mr. Wallis's house stands in a conspicuous position, and he carries on an enormous trade in beer, and during the hours of business it is mostly full, and no accidents have occurred, that I have ever heard of, owing to the position of that house. I would further remark that the alderman had let his house to another person, independent of the licence; the licence was granted to a person of the name of Strachan.

9942. Mr. Wallis told you that the alderman had interfered to prevent his getting a licence?—Yes, I said so in my evidence; I say now that the alderman told Mr. Wallis that if he got a licence, his house would be a nuisance to the Borough.

Mr. Alderman *Humphery.*] He is not alive, or he would contradict you.

9943-4. *Chairman* (to Mr. *Ridley*).]—Is Mr. Wallis now living?—The son is.

9945. The old gentleman?—No, he is dead.

Mr. Alderman *Wire*, called in; and further Examined.

Mr. Alderman *Wire.*

9946. *Chairman.*] I BELIEVE you want to add something to your former evidence with reference to this inquiry?—I do.

9947. You wish to inform the Committee what you consider to be the precise liabilities to which the licensed victuallers are now exposed?—Yes; I will state them very shortly, without referring to the particular clauses or penalties of the Acts of Parliament. Under the Licensing Act, which is the general Act for licensing, the 9th of Geo. 4, c. 61, the licensed victualler is liable to penalties for using measures not of the legal standard, for permitting drunkenness or disorderly conduct, or for suffering gaming in his house; for suffering persons of notoriously bad character to assemble and meet in his house; for opening (except to travellers) during the hours of morning and afternoon Divine service on Sunday, Christmas-day, or Good Friday; for not maintaining good rule and order therein. For the first offence he is liable to a penalty not exceeding 5 *l.* and costs; for the second offence, 10 *l.* and costs; for the third offence, 50 *l.*; and if the justices think it is a case to be sent to the quarter sessions to inquire as to such third offence, if the party is convicted, 100 *l.*, and his licence is forfeited; and if declared forfeited, the party is declared incapable of holding another licence for three years. That is the general law affecting all licensed victuallers throughout England.

9948. Is that under the 9th of Geo. 4?—Yes; these are offences against the tenor of his licence.

9949. Those you have just read?—Yes.

9950. I think you stated that he was liable to those penalties?—Yes.

9951. It is not that those penalties are enforced?—Whenever the law is broken.

9952. They shall not exceed the amount stated?—Shall not exceed it. I have given

given the maximum penalty. Under the 19th section of the same Act he is bound to sell in standard measures if required, under a penalty of 40 *s.*, and the forfeiture of the measure, over and above all other penalties to which he may be liable under any other Act. There are other Acts for regulating weights and measures, to which the licensed victualler as well as other tradesmen are liable, but this is a cumulative penalty on him, therefore he may be sued on both Acts. Under the Excise laws, whose name is legion (because they never repeal Excise laws, and they go on accumulating without end), the victualler is liable to penalties for adulterations in his beer, or sending out his spirits without a permit, and is at all times subject to the visitation of the Excise, to ascertain if he is doing anything in contravention of these laws. The penalties are high, and the magistrates have not the power to mitigate below one-fourth. If they are to be further mitigated, it must be by an appeal to the Commissioners of Inland Revenue.

9953. Those are offences particularly against the revenue laws?—Yes. Those are all cumulative penalties in addition to those to which he is subject, although the offences are similar. Under the Police Acts he is bound at all times to admit the police; he is not to suffer the police on duty to enter his house for the purpose of drink; he is bound to shut up his house from 12 on Saturday night till one o'clock on Sunday; he must not serve any child under the age of 16; he must not permit prostitutes or persons of bad character to assemble in his house, or permit gaming, under a penalty not exceeding 5*l.* And, as I said before, there is a general clause applying to all houses of public entertainment, but in the case of the licensed victualler there is this further addition, the penalties are in addition to any penalties incurred for a breach of the tenor of his licence. Many of these offences are the same as are in his licence, but he is liable under both laws, whether the summons is taken under the Police Act or under the 9th of George the 4th, for an offence against the licence.

9954. The Police Act applies to London peculiarly?—Yes, except shutting up all over the country at 12 o'clock on Saturday night. Under the Mutiny and Militia Acts he is bound to receive all soldiers billeted upon him, and to serve them and their horses with food and lodging, under severe penalties, and at rates of pay totally inadequate. They do not even pay servants' wages for attending them.

9955. Does this apply to the militia?—All soldiers under the Mutiny Acts, and the Militia Acts as well; and there are special provisions relating to the household troops, to which the licensed victuallers of the city of Westminster and the county of Middlesex are liable. In the city of London all the victuallers are exempt from having them quartered on them, but they pay a tax in lieu of it. At common law, he is liable for the loss of the goods of his customers, and is compellable to receive travellers and find them accommodation at all hours of the day and night. If he refuses, his house not being full, he is liable to both an action for damages and an indictment, and is punishable, if found guilty, by fine and imprisonment. There are two or three cases very recently recorded in the books, one in particular, which was tried before Mr. Justice Coleridge, where a party went to an inn at two o'clock in the morning, and knocked up the innkeeper, who refused to receive him; and he was indicted, found guilty, and punished for not having done so.

9956. That is peculiar to the licensed victualler?—Yes; some of those penalties, however, also apply to the beerhouse-keepers.

9957. The Sunday Trading Act applies, I presume, to each class of publicans?—Yes, and the harbouring of bad characters and prostitutes, that applies to the beerhouses as well as the licensed victuallers, and refusing to admit the police, and other offences of a similar kind which are mentioned in the Police Act; they apply not only to the licensed victuallers, but to the beershop-keepers, and other houses of public entertainment.

9958. Can they quarter soldiers on a beerhouse?—Yes; they are liable the same as a publican.

9959. Do you say that they are obliged to take in soldiers at a rate that does not remunerate them?—Yes; for instance, they are obliged to find one hot meal for soldiers on the march, and other provisions, and the pay is 10 *d.* per head.

9960. Is there any limit as to the number that they are obliged to take in?—That depends entirely on the quartermaster and the billet. Every commanding

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officer is obliged when his soldiers are on the march to apply to the constable, and he makes out the billet for the publican.

9961. Which has reference to the accommodation the premises afford?—None.

9962. He is not bound to find a place for the soldier if he cannot accommodate him in his own house?—Certainly he is; and liable to severe punishment if he does not.

9963. Is it perfectly arbitrary on the part of the quartermaster how many may be fixed on any publican?—No, they divide them equally; they always have reference to the number of houses in the district in which the soldiers are quartered.

9964. Are they compensated in any way for being obliged to receive soldiers; does it draw custom at all?—On the contrary, it drives custom away; it is a great nuisance to the licensed victuallers, and a hinderance to them. I may say, in addition, if the licensed victualler keeps horses and carriages, the horses and carriages are impressible to carry the luggage of the regiment, at rates which are also inadequate.

9965. Does this apply to everybody who has got a licence; the great hotels, are they obliged to take in a certain number?—Yes; they are all under the same licence and the same law.

9966. Mr. *W. Brown.*] That is part of the penalty they pay to the State for being permitted to carry on a particular kind of business?—No doubt; Parliament has imposed it on them; whether justly or unjustly, I pronounce no opinion.

9967. *Chairman.*] Has any attempt ever been made to alter that system?—Many a time; but the influence at the Horse Guards is sufficient to prevent any alteration of the law that they deem necessary for the moving of the troops from one part of the kingdom to another.

9968. Is it felt at all as a grievance?—Most undoubtedly so, especially in houses about town, where there is not sufficient accommodation to take in the number of men that may be quartered on them.

9969. If more was paid for the troops that were quartered on the publicans would that compensate them, or do they object to the thing itself?—I think it would not compensate them, because I think soldiers going to their houses would be an injury to them. I need not say, that where there are soldiers or sailors there will always be women and persons of low character assembling.

9970. Mr. *W. Brown.*] It is a condition precedent on their taking out a licence?—No doubt.

9971. They need not take out a licence unless they please?—They must, unless they intend to give up their business.

9972. *Chairman.*] The publican would consider it a great relief, if that was altered?—Yes; and it might be altered with benefit to the publican and the army too.

9973. Would they be ready to compound by the payment of a small sum, in order to be relieved from the liability altogether?—That would depend on the districts in which they live. It might be so unfrequented that they would scarcely feel it, and it might not come more than once in seven or eight years. In others it might come oftener.

9974. Is it the only trade that is exposed to this sort of charge?—The beer-shop keepers and the licensed victuallers.

9975. Are the coffee-shops at all liable?—No.

9976. No other description of house?—No.

9977. I thought they could billet soldiers on any house in a town, if they were marching through on a particular occasion?—Not if there are public-houses.

9978. Suppose the public-houses cannot give all the accommodation required?—They always do; of course it is in proportion to the largeness of the town; so would be the greater amount of accommodation the licensed victuallers could afford in consequence of their numbers.

9979. Mr. *W. Brown.*] What would you do with soldiers on the march; it is impossible to get accommodation for them in any other way?—I think they might find accommodation in many other ways; they might time their marches so as to halt at their barracks. There are a great number of barracks and places for soldiers to be accommodated at, and the railways afford such facilities of

transit

transit now, that there is scarcely a necessity for their resting as they formerly did, except they are marching in a district where there are not railways.

9980. *Chairman.*] Consequently, they do not rest so much upon their marches? They do not.

9981. Then practically it is a less grievance than it used to be?—It is.

9982. Is there any other grievance that is felt as arising out of the state of the law by the licensed victualler?—I am not aware of any other grievance.

9983. There is no other liability which is peculiar to them in their business as publicans?—None that I am aware of.

9984. Do you consider that their property is exposed to greater risks than that of other tradesmen?—Very much; there is much greater wear and tear of their houses and furniture, which they are so frequently obliged to renew; it is destroyed by the number of people who come into the house; the house, too, requires more repair than other houses, and is, consequently, obliged to be kept in better order. The furniture of a private house might last a person for several years, but the furniture of an hotel, or an inn, or a house well frequented by guests, must be renewed almost every year in consequence of the wear and tear.

9985. Do they pay a higher rate for insurance?—Yes, always; there is no office in London that will take them without they pay a higher rate than the common risks.

9986. Mr. *W. Brown.*] Does it not follow that the more the house is frequented the better pleased the publican is, and the more ready he is to refurnish it for the accommodation of his guests?—No doubt.

9987. And then the wear and tear is in proportion to the advantage he receives?—Not always; it does not always follow; but as a general rule, if there are great numbers of guests who frequent a house, if the furniture and carpets, and everything else require repair more frequently, he would be the better able to afford it.

9988. *Chairman.*] However, you represent the licensed victuallers, and you appear here on their behalf, as far as the metropolis goes, and you are satisfied with the present system?—I am; because I am afraid that any further legislation on the subject would injuriously affect their interest.

9989. The licensing system, with all the liabilities it imposes?—Quite so. The great danger the licensed victuallers feel is, that every now and then there is an agitation which affects the value of their property, which if they wanted to dispose of it in the market would render it an uncertain marketable commodity, as well as filling men with fears who have invested their money under laws under which that property has grown up and been protected.

9990. What agitation do you allude to, promoting temperance and preventing drinking?—No; the agitation in Parliament. The publicans are not afraid of any agitation out of doors to prevent intemperance, because they are temperate men, as a body, and would be glad to see public temperance.

9991. They may be temperate men, but they would hardly be satisfied with the public being so?—Most assuredly they would; my experience is not small in the knowledge I have had for nearly 30 years of the public-houses of the metropolis, and I can truly say that the well conducted publicans (and I take the majority to be so) are as much opposed to drunkenness as any disciple of Father Matthew.

9992. Mr. *W. Brown.*] Is there any special enactment which gives them a vested interest in public-houses?—Yes, the laws; for so long as the publican conforms to those laws, he has a right to the renewal of his licence, and any court of quarter sessions would give it to him if it was taken away by the magistrates below without sufficient cause.

9993. Then they take their chance as all other merchants and tradesmen?—They trust to the law, and that Parliament will not interfere with the trade unless there is an absolute public necessity requiring it.

9994. *Chairman.*] In your former evidence you referred to the difference of system which existed in England, Scotland, and Ireland; you said that the licensing system did not exist in Scotland or Ireland, and that drunkenness prevailed in consequence more in those countries; have you reason to believe that you were in error when you stated that?—No.

9995. Your belief is that there is no licence given in Scotland?—No, I did not say so; and on reference to the evidence you will find I did not say so.

9996. We understood you to say that the reason of the greater drunkenness in

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in Scotland which you alleged to exist, was owing to there being no licence, and to there being such a vast number of public-houses in the great cities?—What I think I stated was this, that in Ireland and Scotland there is an unrestricted sale of spirits, and I say so still. It is true that the public-houses in Scotland and in Ireland are regulated by similar laws to that of the 9th of Geo. 4; but then other persons besides publicans may get spirit licences, and spirits are therefore sold, not in licensed houses, that is in public-houses, hotels, or inns, but in grocers' shops and other places. The houses in Scotland are regulated by 9 Geo. 4, c. 53; and in Ireland, under 3 & 4 Will. 4, c. 68, and 6 & 7 Will. 4, c. 38.

9997. The Committee, I think, must have misunderstood you upon that subject; but you pointed, as well as I remember, to particular towns in Scotland, where the number of shops or places where they sold spirits were so much greater than here, and, consequently, that there was more drunkenness?—Yes.

9998. I understand you to be alluding now to grocers, and to people who carry on other businesses, and who are allowed still to sell spirits?—Yes.

9999. But the fact is, there are more beer and spirit shops, in proportion to the population, than there are in towns in the south?—Yes.

10000. And that proves that many more licences are given, or many more houses established for selling spirits alone, and I thought you inferred from that that the people were more drunken?—So I do; not from selling spirits alone; they sell them in connexion with other trades which they carry on. The distinction is this: that in Scotland and Ireland houses for the accommodation of the public, that might be called inns or hotels or public-houses in the common acceptation of the words, carry on the same kind of business, and are licensed nearly under the same law, and with the same regulations as in England; but then other persons who are not licensed victuallers, or sellers of ale and beer, obtain spirit licences in connexion with other trades which they carry on.

10001. Are we to infer now that the greater drunkenness in Scotland and Ireland, if it exist, is owing to that circumstance?—No doubt.

10002. Mr. *W. Brown.*] Do those parties who are not publicans, but grocers and others, sell spirits by retail in certain quantities?—In Ireland the law is that a man shall not sell less than a pint nor more than two quarts, but it is constantly violated, every day and every hour, in every shop in Ireland.

10003. In Scotland also?—I am not aware whether that is so; I think it is not in Scotland; in order to illustrate the assertion that drunkenness is occasioned by the facility of obtaining spirits and beer, I have compiled from the Parliamentary returns the number of persons taken into custody for drunkenness; they represent only a fraction of the population; they do not represent the whole cases of drunkenness, because it is only the persons who are drunk and incapable of taking care of themselves that get into the care of the police.

10004. *Chairman.*] Have you examined the Parliamentary returns as to England, Scotland and Ireland, and can you state the result?—I have examined it with the population in eight towns in England, eight towns in Scotland, and eight in Ireland.

10005. Have you selected those eight yourself?—No, I did not; they are not selected by me at all. I gave them to a gentleman who is versed in making out statistical returns, and I told him to make out tables of those towns. It has been carefully examined both by myself and by him. I did not give him any instructions, except to choose a few of the largest, and I think when I read the names you will be satisfied it is a fair selection; for instance, in England I have taken Liverpool, Manchester, Birmingham, Leeds, Bristol, Sheffield, Wolverhampton, Greenwich, Bradford (York); that is a fair selection with regard to England. In Scotland I have taken Glasgow, Edinburgh, Dundee, Aberdeen, Paisley, Greenock, Leith, and Perth. In Ireland I have taken Dublin, Belfast, Cork, Limerick, Waterford, Galway, Kilkenny, Clonmel and Sligo. Then I have taken the City of London as a district distinct from the metropolitan police, the metropolitan police district. The result in Liverpool is that there is 1 person in 20, and in Manchester 1 in 401 ——

10006. That have been committed for drunkenness?—Yes, or taken into custody by the police. This is based on Mr. Hume's return. In Manchester there is 1 in 401 where the licensing system is well carried out, and the magistrates do their duty, and they have done a great deal, notwithstanding all that has

has been said, to regulate the public-houses according to law, and there there is 1 in 401; in Birmingham there is 1 in 268; in Leeds, 1 in 536, which shows it to be the most temperate of the large manufacturing towns; in Bristol it is 1 in 277; in Sheffield, 1 in 103; in London (City), 1 in 456; in Wolverhampton, 1 in 155; in Bradford, Yorkshire, 1 in 952, where the population is 19,000. Then in Glasgow it is 1 in 22; that is a near approach to Liverpool, and the population is of a similar character, both being towns where great numbers of Irish first arrive and stop at. In Edinburgh it is 1 in 57; and in Dundee 1 in 26; Aberdeen it is 1 in 41; in Paisley it is 1 in 67; Greenock, 1 in 28. Then in Leith it is 1 in 40; in Perth, 1 in 46. In Ireland we have Dublin, 1 in 14; Belfast, 1 in 38; in Cork there is 1 in 10; Limerick, 1 in 50; Waterford, 1 in 22, and Galway is the same. In Kilkenny there is 1 in 105; Clonmel, 1 in 13; Sligo, 1 in 146, and then we have metropolitan police, 1 in 141. I think that paper demonstrates that where spirits are sold in houses which are not set apart for their sale, that is, where people have a great facility in obtaining them, drunkenness prevails in a greater degree than it does in other parts where there are good systems.

10007. Mr. *W. Brown*.] Does not that calculation include drunkenness from beer as well as spirits?—No doubt; it is in evidence here that the larger proportion of drunkenness in England is from beer, and not from spirits.

10008. Does it not follow that in all seaport towns where there is a greater influx of strangers there is more drunkenness and dissipation than in other towns?—No doubt, because in Liverpool and Glasgow it is so where there is an immense influx of Irish.

10009. That does not arise from the number of beerhouses and public-houses?—It arises from the habits of the people coming there, who have been accustomed to these indulgences. If these facilities for drink did not exist in the countries from which they come, and these shops were not opened, then the people would not acquire the habits which corrupt and destroy the population of Liverpool and Glasgow.

10010. *Chairman*.] Then your inference is what I understood it to be before, namely, that the more access you give people to the consumption of spirits, the more drunken they become?—Spirits or beer.

10011. And if you could restrict the sale of spirits, and other intoxicating liquors altogether, you would have a sober population?—If you were to abolish it altogether, as they have done in Maine and some other states of America, you might have a sober population; but if you restrict it, I do not think you would; because the same effects would follow as followed from the celebrated Gin Act that was passed in the reign of George the Second, when there was a very severe penalty put on persons for selling spirits, and an attempt made to suppress the trade altogether. The consequence was, that 12,000 persons were imprisoned for a violation of the Excise laws in the course of two years, and the attempt by legislation to suppress the sale in this country utterly failed at that time.

10012. Then it comes to this, that it is a question what has caused intemperate habits among a people; for where there are habits of drunkenness you cannot suppress them by law?—I think you may do a great deal to regulate, and ultimately to suppress by law.

10013. The attempt you referred to failed?—In George the Second's time the population was different altogether to what it is now, and the populace thought it an act of tyranny for the Legislature to say they should not drink.

10014. Do you not think that they would consider it so also, now?—I do not.

10015. Would it be safe to try it?—I do not think it would be safe to try it.

10016. Mr. *Barrow*.] You do not think compulsory statutory legislation is beneficial?—The state of the metropolis for the last two or three days shows that it fails.

10017. *Chairman*.] Then is it best to trust to free competition in all trades?—No, I think there are peculiar trades and interests that have grown up under the shadow of the laws, which, unless a great public necessity requires it, you ought not to disturb.

10018. Mr. *Brown*.] You have told us that there is no enactment giving vested rights to any particular trade; is it not securing them a monopoly which the feeling of the country repudiates?—I have not quite said that; I have said

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that the feelings of the country do not repudiate monopoly, if you so call it in this trade; but the feelings of the country are shown in the petitions that are laid upon your table, and which have been presented from year to year ever since there was an attempt to interfere with the trade, in favour of keeping up what is called the monopoly.

10019. Have we not a vote of the House that unrestricted competition should be the order of the day?—In corn you have, and I think the House did rightly; but there is no analogy in the two cases: in one there was a nation crying for cheap food, and in the other there is a cry for restricted, not extended, measures.

10020. *Chairman.*] Will you state what in your opinion would be the result of the trade in wine and spirits being thrown open?—Before you ask me that question I was about to put in one or two papers showing what I stated before, that the habits of the people in temperance had very much increased; these papers are also compiled from Parliamentary Returns. I will not trouble you with all the figures, but I will read the results, as I shall put them in: "The last line shows the quantities which would have been drank if the population of 1850 had drank as much per head as the population of 1836; that is, taking into account the increase of population. The result may be thus stated: had the population of 1849–50 drank of spirits, wine, and beer the same quantities per head as the population of 1835–6 did, the increase in the consumption of these articles would have been 100,000,000 gallons; whereas there has been a decrease of 40,500,000 gallons; showing the actual difference, taking the increase of population into account, to be upwards of 140,500,000, or more than a fifth part of the entire quantity consumed in 1836. The beer returns are calculated on the quantities of malt and sugar used by licensed brewers. The statement may be put in another way: by comparing the Returns of 1836 with those of 1850, and for sake of uniformity giving the beer returns in gallons instead of barrels. The return stands thus. In the year 1850, the quantities given are: rum, 3,964,522 gallons; foreign and colonial spirits, 1,565,073 gallons; British spirits, 28,673,638 gallons; beer, 682,174,296 gallons; wine, 7,450,142 gallons; making a total of 723,827,671 gallons. In the year 1836, the returns made were: rum, 3,416,966 gallons; foreign and colonial spirits, 1,348,740 gallons; British spirits, 24,710,208 gallons; beer, 587,880,360 gallons; wine, 6,420,342; altogether making a total of 623,776,616 gallons. This statement is made out on a supposition that the population had drunk as much per head in 1850 as the population of 1836 did, which would show an increase in the consumption amounting to 100,051,055 gallons, instead of which this is the actual state of the case. In the year 1836: rum, 3,416,966 gallons; foreign and colonial spirits, 1,348,740 gallons; British spirits, 24,710,208 gallons; beer, 587,880,360 gallons; wine, 6,420,342 gallons; altogether making, as I before stated, a total of 623,776,616 gallons. Then, in the year 1850, the actual quantities were, rum, 3,044,758 gallons; foreign and colonial spirits, 2,224,709 gallons; British spirits, 22,962,012 gallons; beer, 548,772,516 gallons; wine, 6,247,689 gallons, making a total of 583,251,684 gallons, and showing an actual decrease of 40,524,932 gallons, although the population had increased considerably more than 4,000,000 of souls." Then I have another table which shows "the consumption of spirits, malt, and wine from 1821 to 1835, with a comparison of the quantities used per head by the population of 1821, 1835, and 1850." The amount consumed in 1821 was 44,271,325. The population had increased one-fifth; due to increase, 8,850,265. The quantities, therefore, which ought to have been consumed in 1835, had the population been as temperate as in 1821, would be 53,125,590. The amount actually consumed was 82,798,528, being an increase of 29,672,938, or considerably more than 50 per cent. Take again the amount consumed in 1835 was 82,798,528. Add one-fifth for increase of population for 1835 to 1850, 16,559,705.

10021. Is this wine?—Wine, foreign spirits, British spirits, and malt. The amount which would have been consumed in 1850, had the consumption been as great as in that year, per head, as in 1835, was 99,358,233. The amount actually consumed was only 80,381,016, making a decrease of 18,977,217, or 19 per cent. It appears, therefore, that the decrease was on rum 45 per cent.; foreign spirits, 20 per cent.; wine, 40 per cent.; British spirits, 55 per cent.; and on malt, 35 per cent. It appears, therefore, that the increase in the consumption of intoxicating liquors in the 15 years, from 1821 to 1835, was 50 per cent.

cent. above the per centum increase of population; and in the latter 15 years, from 1836 to 1850, the decrease was 19 per cent.

10022. This is England?—This is the United Kingdom. Then a question was asked me before as to illicit spirits; where spirits are sold and consumed in Ireland, and Scotland, and England. It appears from the Parliamentary returns, that this is the result, showing that the unrestricted sale of spirits increases the temptation to manufacture them illegally.

10023. What do you mean by the "unrestricted sale of spirits"?—Every person who can pay the duty can get a licence; I say nothing of Ireland, where it is a notorious fact that a number of persons sell their spirits without any licence at all.

10024. With reference to what law do you speak of the sale being "unrestricted"?—I mean where a person can get a licence by paying the duty, without going before the magistrates. During the year ending the 5th April 1851, there were 984 persons convicted of illicit distillation in Ireland, 436 in England, and 29 in Scotland.

10025. Not selling illicit spirits?—No; but of course if there were no sale, there would be no illicitly distilled spirits. There were 517 stills seized in Ireland, 323 in England, and 44 in Scotland. There were 97,332 gallons of spirits, low wines, wash, &c. seized in Ireland, and 21,638 in England, and 5,156 in Scotland. The inference I draw from the examination of this table is, that where there is an unrestricted sale of spirits it is a temptation to proceed in the work of illicit distillation, and the revenue is not protected, because spirits are sold not only in open places, but in bye places, and all places where the police officers cannot visit.

10026. Mr. *W. Brown.*] Can the public-houses in Scotland sell a quart to any person who chooses to send for it?—Yes.

10027. Is it not as easy to go to a public-house to get a pint of spirits as to a grocer's shop?—The difference in the matter is this: if a person goes to a public-house the object of their going is known, that they go there either to buy spirits or to bring away or drink them upon the premises; but if a person goes to a grocer's shop, they cover the fact of their going by buying groceries, whereas in truth they go to buy spirits; and one of the ministers of the Kirk of Scotland told me the other day that he traced the greater part of the drunkenness to the women going to these shops, and if there is any balance in the account, it is always taken out in a dram.

10028. Then you would confine the party selling spirits or beer to the one trade only?—Certainly; and to give it unrestrictedly, as it is in Scotland and Ireland at the present time, is fraught with moral and social evils, as evinced by those returns, as evinced by the testimony of every minister of religion in Scotland and Ireland with whom I have conversed, and by the testimony of all writers on the moral state and condition of the population of the two countries.

10029. *Chairman.*] I do not understand what you refer to them for; they may prove the fact of great drunkenness, but they do not prove the occasion of the people having such bad habits?—They trace it to one cause, and this cause only, the facility of getting spirits.

10030. To the want of the magistrates' certificate for keeping a spirit shop?—No, to the sale of spirits in houses that carry on other trades.

10031. Mr. *W. Brown.*] Have you not already fallen into some errors with regard to the United States, which have been disproved by a gentleman who was on the spot, and who spoke from his personal knowledge of the facts, when you spoke only from history?—Do you mean with regard to America?

10032. Yes?—I do not conceive that I have fallen into error. I heard that on a day when I was absent from illness Mr. Bishop had been examined, and I have taken the opportunity of consulting with some most respectable Americans who are now in London, one of them recently, within the last two or three days, on the subject, and he bears out the statement I then made.

10033. You on that occasion referred to your knowledge being derived from history, or works that you had read, and Mr. Bishop's evidence was given after close personal inspection of facts, accompanied by other clergymen in the United States?—Yes.

10034. And was in opposition to your views?—I believe it was; I have not read his evidence particularly, but I understood it was to that effect. I still say that

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that persons may take a different view of facts; one person may go in search of facts, for the purpose of verifying some preconceived opinion.

10035. His views were in opposition to the facts; he went to ascertain the moral state of the United States, whether they could be considered a drunken people, or not; that was his special object; and in his researches he elicited those facts, and he took two clergymen with him to confirm his statements?—And the results?

10036. Were in opposition to your views?—No, I think not, as far as I have read the evidence, as far as I have read the Maine law, and as far as I observe what took place at Massachusetts, and the State of Ohio, and the city of New York, and a variety of other states in America. I do not think that Mr. Bishop has controverted any one thing I said, because is it likely that in the State of Maine, in the State of Massachusetts, or in Ohio, they should pass a law to prohibit the absolute sale of spirits if there had not been a great necessity for it. You are aware if you have mixed a great deal in American society (although I cannot speak from actual observation), that they begin the morning with a dram, and that at all the great hotels the first thing a man calls for is a dram.

10037. That used to be the case 20 years ago; it is not the case now?—I hope not; I hope we are all improving, both in America and England.

10038. *Chairman.*] Your inference is drawn from the returns that have been made from the different parts of the country with regard to England, Ireland, and Scotland, and not with reference to the different circumstances of those countries?—Yes, as well from the returns as from personal observation.

10039. Looking to the police, looking to the circumstances that are unfavourable to the character of the people in Ireland over England, and the inferior manner in which the people live there, compelling them to drink more; all these are irrespective of your returns, and of your conclusions from them, are they not?—They are irrespective of my returns, not of my conclusions, because, as I stated before, what I stated with regard to Ireland and Scotland I stated from personal observation and knowledge of the habits of the people.

10040. What we wish to know is, whether you do not put in those returns, and whether you do not state the facts you have done, in order to illustrate the opinion that you hold, that it is in proportion that people have access to intoxicating liquors that they are drunken?—No doubt; and I may say, in addition to this, that I have consulted all the writers, and debates in Parliament that have taken place from the time of the passing of the Gin Act, and the Evidence taken by different Committees of the House of Commons, and they all concur in that opinion.

10041. Have you any doubt but that there are much greater facilities for people drinking now than there were before the Beer Act passed?—Throughout the country I believe there is.

10042. Have you any doubt that the habits of the people are more temperate than they were before?—None whatever; I think they are improving every day.

10043. Can you reconcile that with your former conclusion?—Most assuredly, I think, without the slightest hesitation or contradiction in itself. The habits of the people are becoming more temperate from the moral influences to which I before adverted, and because in London, as I stated before, greater vigilance has been shown by the magistrates in the selection of sites for public-houses, and in not licensing more than the absolute wants of the public require; in giving to the publican, therefore, the opportunity of conducting his house by a legitimate trade, without resorting to any attraction to bring persons within the compass of his house.

10044. Is that recently?—That is within the last 15 or 20 years; I am speaking, of course, of the licensing system as I know it practically for the last 15 or 20 years. I may illustrate this difference; if you go into the neighbourhood of Tooley-street, to which reference has been made this morning, there are more public-houses than are required by the wants of the population, either that which comes to the wharves during the day, or that which is resident, and the consequence is, that some of those houses are ill-conducted, and there are frequent complaints of them, and the licences are taken away whenever the magistrates can do so with a due regard to the interests of the public.

10045. You have no doubt that the particular magistrates to whom you refer

refer are more careful than others before were?—Assuredly, because they have done this; they have opened all the courts, and they admit the public to hear the discussions, and, with two exceptions, they vote in public. I think that the opening of a court, or any place whatever, where the public eye is upon the magistrates, not only keeps the magistrates up to their duty, but satisfies the public that they discharge it impartially.

10046. That is not the case at Newington?—Yes; my friend Alderman Humphery is under a mistake as to that.

10047. Alderman Humphery belongs to that bench?—Yes.

10048. He is good authority as to what the bench do?—Not so good authority as I am; I am there more frequently than he is.

10049. On those occasions when he attends he may be taken as evidence?—Certainly. I will just explain the difference. At Newington, as in all the other divisions of London, when a person is seeking a licence, he has to lodge a petition stating the size and capacity of his house, whether built for a public-house, and what he conceives to be the wants and requirements of the neighbourhood; if there are any persons opposing, their petition is lodged, and a day is appointed for hearing both parties, and both parties attend by their counsel. Then the difference between that division and others is this; that instead of the magistrates giving their decision on that day, they go and view the houses, and then give their decision afterwards.

10050. Is not that consistent with Alderman Humphery's statement, when he said that they did not hear the parties?—He is mistaken; he attends, I apprehend, only when they decide the cases.

10051. Not when they hear them?—Not when they hear them.

10052. Do magistrates attend who have not heard the cases?—I cannot tell; they meet in a private room, to which I have no access.

10053. Mr. *W. Brown.*] I do not mean to ask you an offensive question; do you appear here as a volunteer witness to defend the principles that you yourself entertain, or do you appear here as the avowed advocate of the licensed victuallers?—I told you before, and I set out by saying that I come here as the solicitor to the licensed victuallers' body. I also added, that nothing on earth would induce me to come before the Committee to state opinions that I did not most conscientiously entertain; and I think that I have had greater opportunities than most men for ascertaining both what is the feeling of the publicans, and what is the working of the system.

10054. *Chairman.*] You act as a magistrate yourself?—Yes.

10055. In your ward?—In the City of London.

10056. Your being solicitor to the licensed victuallers does not interfere with that?—I have nothing to do with the licensed victuallers in the ward as a magistrate.

10057. We have had evidence given here by the Commissioner of Police for the City, in which he stated that when the magistrates met together in the City, the body of magistrates referred to the alderman in each ward to know if the licence should be given to any house applying in that ward?—The practice is this: before the licensing day in the City, all the licensed victuallers of the ward are summoned to meet the Common Council of the ward, and the beadle of the ward is also summoned, and if there be any complaint against the house, it is investigated by the Common Council. If it is deemed of sufficient importance to make further inquiry, a return is made to the quarter sessions, and the quarter sessions decide the case. The Common Council have no power to grant or to withhold the licence; they merely sit to investigate the case. If the victuallers in the ward have conducted themselves with propriety, there is a certificate signed, stating that they have done so, and that is transferred to the quarter sessions.

10058. Mr. *W. Brown.*] Would you think an advocate did his duty who came here to represent any particular body of people, if he did not make the best possible defence for their monopoly?—First of all, I am here to learn what the monopoly is. If I come here as an advocate to state what is untrue, I hope I shall be scouted out of society.

10059. You come here as the advocate of the licensed victuallers?—Yes.

10060. Do not you think that it is the duty of an advocate to place before the Committee these publicans in the best possible way you can?—Certainly; no doubt every one who has come here, advocate or magistrate, or in any other character, has come here to make out the best possible case, suited to his own view.

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I wish to put in one other paper; it has reference to the former tables, and probably will be added. There has been an assertion here, that the articles which the licensed victuallers sell throughout the country, of which I do not know much, I speak only of the metropolis, are very bad articles.

10061. *Chairman.*] The statement is that they are very much adulterated in London?—And very bad in the country; one gentleman said he could not drink it, and never did drink it. I want to show that in 1845, from the collections, that there were 7,619,351 quarters of malt consumed by victuallers who brewed their own beer; that is, one-third of the quantity consumed is made by the licensed victuallers. Of course that applies to the country. In the year 1852, in England, the quantity of malt consumed by the licensed victuallers brewing their own beer was 7,572,288 quarters, and by the brewers, 19,294,330 quarters; showing therefore that the licensed victuallers in the country brew a fair proportion of the beer which they sell to the public.

10062. Mr. *Barrow.*] Does that quantity consumed by the brewers include the quantity brewed for export?—It includes the quantity brewed for export.

10063. So that that is the proportion at present, the export having increased?—Very much; a very large proportion of the victuallers brew their own beer, which they sell to the public; that is, victuallers and beershop-keepers.

10064. *Chairman.*] Is that a Parliamentary return?—Yes; an Excise return of the collection for the different years.

10065. As you are charged with the licensed victuallers' interest, and understand their case, will you state what you apprehend to be the view of the licensed victuallers on the subject of the trade in wines and spirits being thrown open?—I should say, that the licensed victuallers as a body throughout the country, and my impression is that the public concur in that opinion, for reasons that the licensed victuallers do not concur in, are opposed to any change whatever. They think that the present laws, which were exceedingly well considered in the year in which Mr. Estcourt brought in his Act, have worked beneficially for the public, where the attention of the magistrates has been particularly directed to their administration; that they have preserved temperance; that they have protected the revenue; and that they have afforded great accommodation to the public. Now, if I might be permitted to say one word as to the largeness of the interest affected by these laws. We say there are 6,000 licensed victuallers in the metropolitan district, and it is impossible to put those houses down at less than 1,000 *l.* each in value. Then, if you see the number which would be thus affected, you see the largeness of the interest you are about to deal with and destroy by any alteration of the law. That interest in the metropolitan district alone would represent 6,000,000 *l.* of property.

10066. Do you use that word "destroy" advisedly?—Yes; I use the word "destroy" advisedly, because any alteration of the law, by throwing the trade open, would destroy the interest; and would, therefore, so far infringe on the capital and industry of 6,000 people, who have depended on the law as it is now in existence.

10067. If I had confined the question to that of the magistrates no longer having the power of giving certificates, instead of using the expression "throwing the trade open," would your answer be the same?—Yes.

10068. What you understand by throwing the trade open is, giving any person a right, under certain restrictions, to obtain a licence?—Yes.

10069. Independently of the certificate of the magistrate?—Yes.

10070. That is, the not getting the certificate from the magistrates you think would destroy the 6,000 licensed victuallers' houses in London?—If you give to another person, let it be the officer of Excise, or the stipendiary magistrate, or any person, the power of granting licences without the discretion, so that it will be compulsory on him to do it.

10071. Removing, at the same time, the right which the magistrates have to refuse a renewal of the licence?—Yes.

10072. Mr. *W. Brown.*] Would not the local position of these houses in many cases prevent any injury from competitors?—I think in very few cases. There are houses so situate that no house could come near them; for instance, where the neighbourhood is perhaps a new neighbourhood, or has sprung up under one landlord, who has inserted stringent covenants that a public-house should not be opened on his property. There it would be impossible to destroy the existing interests of the licensed victualler, because no other house could be opened.

opened. Take, for instance, a house doing a large and profitable trade; if there is no power to prevent a person coming next door, I need not say that that large trade will be destroyed or divided; that wherever there is a large trade, one person would be tempted to come, in order that he might share it, and another would come, and so you would go on increasing till you congregated a dozen houses together; you would then divide the trade so much that you would not render it worth while for anybody to keep the houses; and yet, at the same time, the person who had first invested all his property under existing laws would go on for years struggling with this competition, which is not beneficial to the public, until he is ruined.

10073. *Chairman.*] Your answer seems to refer to the fact, which is not supported by the evidence, that every licensed victualler is the owner of his own stock and house; now we have had evidence to show that a great number of the licensed victuallers are very dependent, that the houses are not owned by them, that they carry on their business on borrowed money, and that they have not a choice of persons who have the articles they sell?—I thought I had dispelled that erroneous notion, because erroneous it is, in my former evidence on the practical knowledge of the subject.

10074. What do you consider erroneous?—That the houses are not their own.

10075. I thought you seemed to imply that they were; is there not a large proportion of the licensed victuallers dependent on brewers?—The larger proportion of licensed victuallers in the metropolis are independent of the brewers.

10076. Mr. *W. Brown.*] They can change their brewer, pay his advances, and go to another brewer?—Yes.

10077. *Chairman.*] Is every brewer ready to take the tenant of another in London?—No doubt, if he is a man of good character.

10078. Is it the practice for one brewer to receive the tenant of another, and if he has any liabilities, to pay off those liabilities?—Yes, if it be a good house, and has a good trade attached to it, one brewer will be glad to get it out of the hands of another. I do not know of any class of men who are so independent as the licensed victuallers of London in their pecuniary resources.

10079. Or people who are less dependent in the mode in which they carry on their business?—Yes.

10080. Whether as to capital or the goods that are supplied?—Yes. I am now appealing to the commercial experience of members of this Committee, that more than half of the tradesmen begin with a very small capital. They begin perhaps with borrowed capital, and by their industry they pay back what they have borrowed, and accumulate a little for the future.

10081. Can you account for the fact that transfers are very frequent indeed in public-houses?—As I stated before, I do not think that the transfers are frequent, looking at the large number. They are frequent where public-houses are situate in low neighbourhoods, and where it is difficult to get a living. When a man gets into a good house, with a good trade, he is not likely to part with it until he thinks it necessary to change his position, and get another house where there is not so much business doing.

10082. The number of transfers is not a matter of opinion; we have the means of ascertaining the precise number?—Certainly; looking at the number of transfers there is from death, and the failing health of the occupant, the desire to go into the country, or to go into other businesses, and persons who embark in the trade who were unacquainted with its duties before, and who having entered it a little time do not like it, and therefore get out of it; in all cases of that description there would be transfers.

10083. You have no doubt that a good many transfers take place in the course of the year in which the licence is obtained?—None whatever; as I stated before, there are eight transfer-days in the larger districts; in the next largest there are six; and in the smallest there are four, for the purpose of accommodating the publicans, to enable them to get out if they wish.

10084. Sir *G. Goodman.*] You paid a compliment to the town from which I came; at the same time I am surprised to see the immense number of deaths of publicans at a very early age?—No doubt they are generally those who are unaccustomed to the trade, and who get into it not having been brought up to it; the business has an effect on them, and they die early.

10085. *Chairman.*] Are you aware that a difference of opinion exists between

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you and another witness who has been here, that whereas you have stated that out of 6,000 licensed victuallers 1,000 are dependent and 5,000 independent, it is, in the opinion of the other witness, the reverse, that 5,000 are dependent and 1,000 independent?—The difference between the two witnesses is this: one knows from practical experience, and the other speaks from information.

10086. You see no reason to change your opinion?—None whatever.

10087. Then, inasmuch as the publicans are so independent of the brewers, I need not ask you whether you think it is a mischievous kind of connexion which has been alleged to exist between them, but which you deny the existence of?—I speak of houses in the metropolitan districts; I am not speaking of the country districts, where I have heard in evidence that 250 or 300 houses, including the majority of houses in the district, belong to the brewers. In some cases it may be an evil, because the brewer may not brew very good ale, and may send it out to the publicans; and the publicans would be compelled in the country, where the houses absolutely become the property of the brewers, to serve it, or to quit the house; in that case I think it an evil.

10088. It does not contribute to the respectability of the publican that he is dependent on the brewer?—I do not think it does.

10089. You have nothing to suggest with respect to that connexion which is supposed to exist between the brewer and the publican?—I have nothing to suggest, because it would be an interference with the private right of every man to deal with his property as he thinks right. If a brewer thinks that it advances his interest to invest his money in the purchase of houses where his beer is sold, I do not see that you could interfere with it by law, and say that the brewer shall not hold the public-houses. It is the monopoly created by capital, and capital will always create monopolies, whether it is in public-houses, cotton manufacture, or whatever it may be.

10090. Mr. *W. Brown.*] Then capital has no cause to fear competition?—Certainly not, in the legitimate mode in which capital would be employed; but then it does not fear competition, because you have had unrestricted sale in beer, and every person may get a licence. Every brewer knows that, and the majority of the public-houses and beershops in the country, which are the property of brewers, have therefore undergone competition.

10091. *Chairman.*] Are there any peculiar interests that the licensed victuallers have, beyond that being established in their business, and having invested capital at particular places, would they be affected by a change of the law in any other way?—I think all their charities would be affected.

10092. You were going to state that the licensed victuallers had other interests besides those involved in their actual houses, which might be affected by anything that injures the trade?—Yes.

10093. State what they are.—The licensed victuallers of the metropolis, soon after the formation of the body into an association, projected a school for the education of the young persons of their necessitous brethren, which has gone on increasing until it now receives and educates yearly 200 children. They have also a fund from which they relieve those of their necessitous poor, who having been members are entitled to a certain amount of relief, and they have what they call a charity box, from which they give to persons who have been in the trade, but did not remain long enough to become members of the society. And I find, from a return made, that during the time that society has been in existence it has expended 304,540*l.*, besides the cost of erecting the school and purchasing the buildings, and they now expend annually a sum of 7,800*l.* in support of their necessitous brethren, and to keep them out of the workhouse; that they have also erected an asylum for those who need such a retreat, in which there are 153 inmates at the present time, and that building has cost them, together with the land, 35,000*l.*; and they pay to those inmates a weekly allowance, and are endeavouring to raise a permanent fund for the purpose of endowment; that upon those premises they have built a chapel; they have elected a very estimable clergyman of the Church of England to attend to the spiritual wants of the inhabitants of that place; and I may say further, with regard to their mode of conducting it, and the persons entitled, that there is this rule among these advocates of intemperance, as they are called, "Provided always, that every such member or widow shall make it appear to the satisfaction of the said governor and committee of management of the said society for the time being, in manner hereinafter mentioned, that such affliction as aforesaid shall not have been occasioned

sioned by intemperance or disorderly living, and that he or she is in indigent circumstances, and also in other respects incapable of supporting himself or herself."

10094. That is not an unusual provision in charitable institutions?—No; but it might be considered extraordinary when found in the rules of those who they say are the advocates of intemperance. I need not say that interests like those are important to the public, inasmuch as they keep persons from being a burthen to the poor rates; they take the children out of the streets, educate them and place them in good situations in life; and that if their trade was infringed upon by being thrown open, as is suggested, those interests must fail, and those charities decay.

10095. What is the date of that institution you have been referring to?—The date of it was in 1803, and it has existed up to the present time, enlargingof course with the enlargement of the number of the members of the society.

10096. The funds have increased of late years?—Yes, materially; on account of the increase in the number of licensed victuallers.

10097. Are they generally in a prosperous state, the licensed victuallers, at present?—Taking them as a whole, they partake in the general prosperity of the country; of course there are individual exceptions.

10098. You do not remember the time before the Beer Act came into operation in connexion with this trade?—Yes, I was connected with the trade before that time.

10099. Do you remember the apprehensions that were expressed when the Beer Act was passed?—I was articled in the house that was then occupying the position that I now occupy as solicitor to the body; therefore I not only heard a great deal of it, and saw it, but know what the effects of passing the Beer Bill were on the licensed victuallers at that time.

10100. There was very general alarm among them?—Yes.

10101. And people used as strong language as they use now, with regard to the destruction of capital?—No doubt there was as strong language.

10102. Those fears, I am happy to think, have not been realised?—On the contrary, they were realised; it is a number of years since the beershops were established, but in the country it had an amazing effect in deteriorating the value of the property of inns and public-houses, and in the metropolis it depreciated the character and the value of the property of the licensed victuallers fully one-half, and many persons became ruined and were bankrupt in consequence.

10103. However, the trade has thriven since; those who sank have risen again?—Not those who sank; they sank to rise no more. There are now many of them, or have been from the commencement of the almshouses, inhabitants of the asylum.

10104. Then some persons have risen on their ruins?—Other persons have embarked in the trade, not on their ruins.

10105. Those other persons, referring to your former answer, have done well, and are doing so still?—I believe they are.

10106. Mr. *W. Brown.*] Are there not vicissitudes in all trades; look at the "Gazette"?—No; the vicissitudes of trade are occasioned by the fluctuations of commerce; the vicissitudes in trade, created by crude and imperfect legislation, is another thing.

10107, Then you think the vicissitudes of the public-houses depend on the will of the Government?—No, it depends upon the law, and not upon the Government.

10108. Mr. *Barrow.*] Do you think the public have cheaper beer in consequence of the passing of the Beer Act?—Good beer has not been reduced a farthing a pot; the price of beer is the same now that it was before the Act passed relatively; it was the duty that was taken off beer that reduced its price. Before the reduction of the duty beer was sold at 45*s.* per barrel, after the reduction of the duty it was sold at 33*s.* per barrel, and which price has been continued by the great London brewers until the present time; they allow to the publican a discount of five per cent. Of course there may be brewers who sell at less than 33*s.* per barrel, but it is generally understood that their beer is of an inferior quality.

10109. Then competition did not reduce the price of beer?—Certainly not; it is sold by the brewers to the public at the same price as then, minus the duty.

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10110. *Chairman.*] The fear of the publicans was that they would be obliged to sell beer cheaper?—No, but that plenty of beershops all round their houses would destroy the value of their houses, as it did for a long time.

10111. Mr. *Gregson.*] The competition?—The competition that arose.

10112. That subsided after a short time?—It has not subsided at the present hour. Wherever there is a house doing a large trade in beer, you will generally find, if the neighbourhood will allow it, that there is a beershop springing up in its immediate vicinity; that, I should say, is particularly the case with houses that do a large business, which are so situated that hardly another public-house could come into competition with them, but where people have taken beershops to continue them, and then ceased altogether.

10113. *Chairman.*] Then you adhere to the present system for one reason, that the carefulness shown by the magistrates in granting licences is the means of protecting existing interests?—No; I adhere to the present system because it protects public morals.

10114. We were talking of property, and I understood you to say that the way in which the existing interest is protected is by the difficulty which new people have of getting the magistrates' certificate, which precludes competition?—No doubt, because the magistrates take this into account as an axiom which is proved by universal experience, and which I have not heard anybody attempt to refute with success, that the multiplication of public-houses is productive of public evils.

10115. And would also be injurious to existing property?—No doubt. This is the mode, as I understand it, in which the magistrates reason, and in which I should reason myself, if I was a licensing magistrate, that unless there is a public necessity for another public-house we will not give a licence. They look at that question irrespective of the interests of the licensed victuallers; they look at what is called the requirements of the neighbourhood.

10116. They do look sometimes to existing interests; as we understand, practically, their mode of deciding these matters protects existing interests; but deliberately they do, as we have been informed, and have heard, that sometimes they give licences to persons on condition that they do not sell to customers out of their house; that they do not sell as other publicans do; but with a view to protect existing interests, and not injure surrounding houses, they are to have a licence qualified in that way?—I never heard but of one case of that description.

10117. You have heard of one case of that description?—Where I say the magistrates making a contract was illegal, which might be broken through the next hour after the man got his licence.

10118. But he would not get that licence renewed unless he adhered to the bargain?—I should think not.

10119. What was the nature of this qualified licence?—A party applied in one of the districts at the west end of the town for a licence to open a house which he called an hotel, and it was within three doors of one public-house, and directly opposite another public-house; there were not six houses between the two public-houses and this house. It was opposed on the ground that there was no necessity whatever for this house. The man came to the magistrates the first year, and his application was opposed; he brought with him a great number of certificates from persons who had lodged in his house, who had come from the country, and who had used it for the same purpose as they would have done any house, but the charges were more moderate at this house. It was what I should call a second-class hotel. He was unsuccessful the first year, and he appealed against the decision of the magistrates, one of whom has been examined before this Committee, and the sessions confirmed the magistrates' decision, and refused the licence. The next year he came to the magistrates below, and asked for a certificate on the same grounds that he had done before, and stated that he only wanted it for the accommodation of the persons frequenting his house. It was opposed again, and the magistrates then annexed this condition to the licence, that he should not sell or send liquors out of his house, but that he should use it solely for the purpose of the persons frequenting his house.

10120. This was at the west end of the town?—Yes.

10121. In Air-street, Regent-street?—Yes.

10122. Did you appear yourself to oppose the granting of that licence?—I did.

10123. On the ground that it was illegal, and that they could not make this arrangement with the applicant?—On the ground that the house was totally unnecessary, and not required. It was an eating-house; and then they threw another house into it, and made the two houses into one.

10124. Your clients were the neighbouring publicans?—And the neighbourhood. There was a house within three doors of it, and a house directly opposite Air-street, where the portion of Regent-street intersects. It has about half a dozen houses on each side, and there were two public-houses and two eating-houses in that street.

10125. In that case the quarter sessions confirmed the decision?—Yes, but the second year the man went to the court below, and they granted a licence.

10126. Is that the only case you know where there was a qualified licence proposed to a man?—The only one, except one that I heard of some years ago, of which I only know because I have been told by the magistrates, of a very large house near a railway, I think the Great Western, which they licensed as an hotel of the first class, and the man converted it into a gin-shop.

10127. You never had occasion to decide on such an application yourself, on the bench?—I do not take part in the decisions of the licensing magistrates in the City. I consider that my connexion with the licensed victuallers might lead to remarks that I was interested; therefore I abstain from attending the licensing sessions.

10128. You do not ever attend?—I have attended once, and only once, and then I went to make a quorum.

10129. Do you remember a Frenchman applying when you were on the bench, a restaurateur?—I do not. I remember before I was a magistrate, a Frenchman applying as a restaurateur.

10130. And a licence of this kind was given?—Not a restricted licence.

10131. You remember the case?—Yes; some eight or ten years ago.

10132. Mr. *Barrow.*] You approve of the present system of licensing, but you stated that you thought it would be an improvement that the discussions on the application and the decision on the application should be in open court?—Yes.

10133. It would be a greater satisfaction to the publicans, as well as a more desirable mode of conducting business?—Every court should be open to the public. The greater publicity there is given, the more pure is the administration of justice, and the more impartial the decision; I would not, as a magistrate, sit in private and administer justice.

10134. And your distinction in the account you gave with respect to Newington was this, that at Newington they heard the counsel for the application on one day in open court; and then, on the second day, they considered the application privately?—Yes.

10135. But you would have them consider the application publicly, decide publicly, and vote publicly on both occasions?—Yes, certainly; I think no man is entitled to sit on the seat of justice, or to have anything to do with the administration of the laws, who is afraid to let it be known what he does.

10136. Would that publicity have a great effect in removing the prejudices that are at present entertained with respect to the partiality of magistrates?—I am sure it has done it in London.

10137. *Chairman.*] Would it be well to hear those applications by some constituted authority, and have them decided by a jury?—I do not think so.

10138. There would be publicity there?—Yes.

10139. And competency and independence on the bench?—There would be competency and independence, but there would not be that degree of local knowledge that would be requisite to decide those cases.

10140. Would not the jury possess that?—The jury might not be drawn from the locality in which the house was situated; it might be drawn from a totally different locality.

10141. That occurs sometimes with the bench; all the bench does not visit the houses that are to be licensed?—I believe in nearly all the districts on this side of the water they do.

10142. All the Middlesex magistrates?—Yes; I am speaking of the metropolitan districts with which I am particularly acquainted; I cannot say in the lower part of the country.

10143. Is it not correct to say, that the licensing is in the hands of a few magistrates?—

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magistrates?—On the contrary, it is in the hands of a sufficient number of gentlemen, who may each differ from the other on a variety of subjects, and who are not acting in concert one with the other.

10144. Mr. *Gregson.*] The same gentlemen generally come?—Almost invariably throughout the metropolitan districts.

10145. A limited number?—No; the metropolis is divided by the magistrates themselves into so many districts, and the gentlemen who reside in those districts are in the habit of taking part in those licensing sessions, not those who reside out of it. If a magistrate who resides out of the district happens to come in, he is informed by the chairman by a whisper that he should withdraw, although he has a legal right to be there; if he does not take part in the decision nothing is said, but they do not think that magistrates who do not reside in the district are competent to decide.

10146. Mr. *Barrow.*] The decision, in the first instance, is made by the local bench of the district; but when it comes to the general sessions it is open to the whole county, and comes necessarily before a great number of magistrates who have no local interest?—Certainly. Then there is a more formal investigation of the case; the applicant must make out the case, and show to the court that there is a public necessity for the licence, and that the inhabitants of the district are asking for it.

10147. And there being then a large attendance of magistrates at those quarter sessions, do not you think that it would tend either to satisfy the public, or the objects of justice particularly, that the question of fact as to the requirements of the neighbourhood should be submitted to a jury, instead of being decided by the justices?—If the jury is drawn from the locality. I see no distinction between 12 gentlemen in the box and 12 gentlemen on the bench; in fact it is a jury, a jury of magistrates, such as the grand jury, or a special jury.

10148. *Chairman.*] But not sworn?—They are sworn to do their duty as magistrates.

10149. A jury would be sworn to do their duty on this occasion?—Yes, but magistrates are not; they take their oath once for all, unless there is a new reign or a new commission issued. On this part of the subject I would wish to say a word with respect to the country magistrates. I think it would be a public evil, I am speaking now publicly, if men of property and influence were withdrawn from the discharge of local duties as magistrates.

10150. Do you mean in licensing?—In licensing; I confine myself to that; I think it would be a public evil if they were withdrawn; it brings the rich and poor together; it enables the one to observe the mode in which the other discharges magisterial duties. It trains up the country gentlemen to fill higher offices; they begin with being magistrates; they attend the quarter sessions, and they are brought in contact with their neighbours. I think all this has a beneficial effect on society at large.

10151. They could still hear informations against publicans, supposing they did not grant the original licence?—Yes, but they are much more qualified to hear those informations if they know the character of all the parties who are before them; I think that is one great advantage.

10152. You would not confine the jurisdiction to those cases where they grant the licences themselves?—Certainly not.

10153. You are aware, of course, that juries are very often summoned in compensation causes?—Yes.

10154. And give satisfaction on those occasions?—I doubt whether they do give satisfaction.

10155. It is the satisfaction that results from their decision?—If a man applies for a licence and does not get it he is not satisfied; if a man is making a claim for damages, he is not satisfied with the decision of the jury.

10156. He does not impute a motive to the jurymen?—Certainly not, nor is there in the metropolitan district any imputation of motives to the magistrates since they have opened their courts; before, there was; they met in secret, and they took a man's licence away in secret and gave him no reasons, and heard no statement in defence, and did not hear anything at all except from private information, which the man knew nothing of; and the licence was either granted, if it was an application for a new one, or refused, or an old one taken away, without his knowing anything about the reasons.

10157. Since

10157. Since when has this change taken place?—It has taken place since Mr. Estcourt's Act, the 9th of Geo. 4. It has been going on gradually till now. All the courts on this side of the water are thrown open, and everybody has access.

10158. Is there anything you wish further to suggest to the Committee?—Yes; I wish to make one suggestion with respect to the laws affecting licensed victuallers, but then it affects other people in common with them; that is, as to the repeal of the Act 25 Geo. 2, the Music Act, which I think mischievous, and exposes parties to penalties which are unjust in themselves, and tend to no public good.

10159. Mr. *Brown.*] That is, public-houses having music saloons attached to them, or music in the house?—Yes. At present, if you go to the London Tavern, and have a piano there, if it has not got a music licence, if there is singing, accompanied by any instrument whatever, the publican is liable to 100*l.* penalty; and that 100*l.* is sued for, not by a public officer, and goes into the public revenue, but is sued for by a common informer, who attacks his victims by bringing an action against them, which scarcely ever comes to trial, because persons who have gone to a legal adviser find out that they have been legally wrong, and they have been very often compromised; thus paying a kind of black mail to the common informer to keep off such actions.

10160. Mr. *Barrow.*] The singing would not be illegal?—It has never been held so.

10161. Let the words be what they may?—If they are blasphemous or indecent parties may be punished, but if any words are accompanied by any instrument whatever, the music is illegal.

10162. Mr. *Gregson.*] Are those penalties enforced against the London Tavern, and other respectable houses?—I believe great numbers of these houses have been attacked by these common informers.

10163. *Chairman.*] But there are houses which take out these licences for music and dancing?—Yes; until Serjeant Adams published his pamphlet, the magistrates of Middlesex were very chary of granting these licences.

10164. But there are houses that now take out licences?—Yes.

10165. Supposing you were to repeal the 25th George the Second, would that affect them?—No; because they have got their licences.

10166. Do they not renew them, and is not the exclusion of others their protection?—They renew them annually, if the magistrates choose to give them.

10167. They have paid for these licences for a number of years past?—There is nothing to pay for them; or it is a shilling, or something like that.

10168. Sir *G. Goodman.*] Is it your opinion that there is much illicit spirits sold in the dramshops?—I do not believe there is a shop in London, which is a licensed victualler's shop, where there are any illicit spirits sold; and with respect to what are called the dramshops, or the gin-palaces, they have too much at stake to sell anything illicit; because their houses are very valuable, being placed in situations of great publicity, where they command a large trade, and where necessarily they have embarked a large capital.

10169. *Chairman.*] But there would be great facilities in a gin-palace selling illicit spirits, if they choose to do it?—None, because the Excise are constantly superintending them, and they are keen enough to know that the penalty would be paid if inflicted; and, secondly, they can go into the houses at any time, and test the spirits and beer, and search up and down the house, and ascertain whether the man is guilty of any offence.

10170. Sir *G. Goodman.*] Do you know how frequently the Excise are called on to visit these houses?—At uncertain intervals.

10171. That being for retail and wholesale purposes, there must be a continual change going on with respect to the vats?—Yes; the Excise can come in at any time, and take the contents of the vats, look at the permits, and see what the man has had in his stock, and ascertain what changes have taken place, allowing for his daily consumption. With regard to those houses which are called gin-palaces, they are generally held by persons who have large capital, and a great pecuniary interest, therefore, in preserving order in their houses, and they do a greater beer trade than spirit trade.

10172. In addition?—Yes; it is a mistake to suppose that, because a house is a gin-palace, it does not sell beer; it sells beer in the largest quantity; it sells it fresher and more suitable to the palate of the public.

Mr. Alderman *Wire.*

29 July 1853.

10173. *Chairman.*] That you have only heard; you have no means of ascertaining, as a fact, that they sell more beer than spirits?—I get at my information in this mode: I am frequently employed in transferring these houses, and when they change hands from one to another it is the duty of the outgoing tenant to satisfy the incoming tenant of the amount of trade that he does; and to do that he produces his brewer's book, to show the quantity of beer he has had in; and you would find then that the larger consumption of beer is in those houses.

10174. Mr. *Gregson.*] Did I understand you to say that you would allow all public-houses to introduce music without a licence?—If it were necessary, I do not see any objection to giving the magistrates power to grant a licence.

10175. *Chairman.*] Would you repeal the law that requires them to have a licence?—Yes.

10176. Would you allow them to have music without a licence?—Yes; in the same way that the beer-shops have to ask for a billiard licence in addition to their other licences of the magistrates, although the publican is under no necessity to do so. But if the publican wants a licence for music, he should ask for it at the time of the annual licensing meeting, when he gets his other licence.

10177. You would still leave it to the discretion of the magistrates whether he should have a music licence or not?—I should not myself personally; I would not leave it to the discretion of the magistrates.

10178. Then you suggest that amendment in the law?—Certainly. I differ from those who think that music is injurious to the population. I believe it has a great and beneficial effect in refining the taste and cultivating the better feelings of the population.

10179. Mr. *Gregson.*] Is a separate licence required for billiards?—For beer-shop keepers.

10180. You would not repeal that?—No.

10181. *Chairman.*] That opinion is not general which you have expressed, that music and dancing should be allowed without a licence; the magistrates differ?—Music is separate from dancing.

10182. They take a licence out for both?—They take it alternatively, since Mr. Serjeant Adams has given them that opinion, that they can grant a licence for music, or music and dancing only.

10183. And you have not the least doubt that if the magistrates had it in their discretion to allow these licences for music and dancing, together with the licence for spirits and wines, they would generally object to their being combined?—I think not music.

10184. Mr. *Gregson.*] But dancing?—Music and dancing they would object to.

10185. *Chairman.*] You would confine the amendment of the law to music?—I should repeal the statute altogether. I think it is an unjust and tyrannical interference with the liberties of the subject, and was passed at a time when the people were not regarded, and when legislators trod them under foot as the dust of the earth. Such a law could not be brought in and stand now; no House of Commons would pass such a law. The distinction is this, the objection that has been made is to connecting theatres with public-houses. I think that bad in principle. I should go all lengths with the Legislature to prevent that. Now it is separated. I think it was a proper separation, to separate the theatres and public-houses; but why men who meet together in the evening should not indulge in the music of a pianoforte, or trumpet, and sing that which is far from indecency and blasphemy, I cannot understand.

10186. We understand that the only objection is raised to the public-houses?—I see no objection to its being done; where it has been done, it has been accompanied with great benefit to the population. I might instance Manchester as a proof of it. It would tend to turn out all indecency and blasphemy, and introduce a better style of entertaining the people than at present exists.

10187. Sir *G. Goodman.*] Are you aware that the music concerts given at Manchester are quite unconnected with beerhouses and public-houses?—Most of them are connected with beerhouses and public-houses; they are in separate and distinct buildings; but as far as my information goes, I am only speaking from information given to me, they are connected. I might say, for instance, if you look at Birmingham, you see what has been done there by improving the people, and giving them music, from the vast crowds that attend.

10188. We must conclude, as the quantity of wine has diminished in the present

present half century, and the population doubled, that there is less intemperance in wine drinking than there was at the beginning of the century?—I can remember the time when the intoxication in the private society of gentlemen was as great as among the poorer classes, only one was done in private houses, but the poor had to go home or lie exposed on the pavement of the street. I think all classes of society have improved, not only the higher, but the lower, because a gentleman may now go to a private table and take as much wine as he pleases, or as little; but according to the drinking habits which formerly prevailed, that was impossible. Will you allow me to add a word or two with regard to the interest of the licensed victuallers in London. I have stated that each house is worth on the average 1,000*l.*, and that is a very minimum value, when you take into account the large number of houses that are worth a great deal more money; but take it, that there are besides 83,886 licensed victuallers' houses in England, and put them down at 200*l.* each house, and that is a very small valuation, taking the large towns and small villages——

10189. You are speaking of the value of the house without reference to the licence?—No, as a licensed house; then if you add that to the former sum, you will see that the interests that are affected by these laws are very great, and that unless a case of public necessity could be made out for interfering with those laws and those existing interests, it would be an act of cruelty and injustice to do anything to affect them, except by regulating them. If there is any law that is necessary to regulate them, there would be no objection to it. I make the amount altogether embarked in the licensed victuallers' trade, 22,777,200*l.*

10190. If the trade were thrown open, all these people would stand in as good a position as the others?—Far from it; many would be ruined, many destroyed in their prospects, and in the end public morals would be outraged, and it would be years before things were set right, if ever they were. All the petitions on your table are not for the extension of the licensing system, or for the increase of public-houses. You will find that no publican, no assembly, no large number of Englishmen have asked that the licensing system should be destroyed, and the trade thrown open. If there is anything that they desire more than another, it is that there may be greater restriction. I am anxious to add, that the licensed victuallers of London desire that they may have the assistance of the police in clearing their houses. At present they are denied that assistance, unless there is a breach of the peace committed. As I put the case, it is applicable both to licensed victuallers and beersellers; men get into the houses at the appointed hour, when they are closing, and are liable to penalties if they do not close, and it is beyond the physical power of the landlord, who has got 20 or 30 men in his house, to turn them out; but if a policeman were to come in and say, "Gentlemen, the hour is up, you must go out," they would go quietly.

10191. Sir *G. Goodman.*] Then you would have the police enter where there was no disorderly conduct?—Yes; whenever the landlord requested him so to do.

10192. *Chairman.*] It has been stated that the publicans of the metropolis would not object to any general regulation closing their houses at night and fixing the hour?—That is a very large question.

10193. You are not prepared to confirm that opinion?—I am not prepared; but I can tell you now what is the result, that, although there is no law compelling them, the majority of the houses are closed at 12 o'clock, but in certain localities, and under certain circumstances, it would be an enormous inconvenience. Take the case that was put by Mr. Harvey of persons who live round "The Times" newspaper office, and all the other newspaper offices; the men want refreshment during the night and must have the houses open. Besides, travellers are continually coming and going all the night through, and there must be houses open to receive them. I ought to have put in the return I hold in my hand from one of the large brewers of the metropolis, showing that the brewers do not hold so many houses as has been represented. This house serves 898 licensed victuallers' houses, besides a very large number of beershops. They have 217 on which they have loans, and they have only 13 houses of their own.

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APPENDIX.

Appendix, No. 1.

PAPERS delivered in by *John Wood*, Esq., 6 May 1853.

STATISTICS, EXCISE.

FORM of APPLICATION for a LICENCE to SELL BEER by RETAIL, and of a BEER BOND.

APPLICATION and CERTIFICATE for BEER RETAIL LICENCE. No. 133.

APPLICATION.

I, , dwelling in a house in , in the township of , in the parish of , in the county of , being the real resident holder and occupier of the said house, which, with the premises occupied therewith, is rated in one sum to the rate for the relief of the poor of the in which such house and premises are situate, on a rent or annual value of pounds, do hereby make application for an Excise License to retail beer, ale, and porter in order that it may be consumed in my said dwelling-house situate as above, under the provisions of the Acts of Parliament relating to the general sale of beer and cider by retail in England. AND I propose as my suret to enter with me into the bond required by the said Acts, the person mentioned in the first schedule hereunder written, such person being householder assessed to and paying the poor's rates within the parish in which I am resident, and not being licensed to sell beer by retail under the said Acts. Dated this day of 184 .

(signed)

Christian and Surname of Sureties.	Occupation.	Residence.

Appendix, No 1.

I have inquired respecting the person above proposed as surety for , and find that he is in sufficient circumstances, and otherwise duly qualified as surety as aforesaid.

Approved Officer.

(Countersigned)

Collector. Supervisor.

CERTIFICATE.

WE, the undersigned, being inhabitants of the of in the county of , and respectively rated to the poor at not less than six pounds per annum, and none of us being maltsters, common brewers, or persons licensed to sell spirituous liquors, or being licensed to sell beer or cider by retail, do hereby certify, That , dwelling in in the said is a person of good character.

Dated this day of 184 .

Names.	Residence of each of the Persons signing.

I do hereby certify, that the above-named applicant is the real resident holder and occupier of the said house, and that the true rent or annual value at which such house, with the premises occupied therewith, is rated in one rating to the poor rates, according to the last sum or rate made and allowed in such for the relief of the poor, is the sum of pounds. AND I FURTHER CERTIFY, that all the above-mentioned persons whose names are subscribed to this Certificate are inhabitants of the of , rated to Six Pounds to the relief of the poor of the said .

(signed)

Overseer of the of

Date

1 Will. 4, c. 64: 4 & 5 Will. 4, c. 85: and 3 & 4 Vict. c. 61.

Note.—When the application is for a license to sell beer not to be consumed on the premises, the word *not* must be inserted in the blank left for that purpose in the Application; and in these cases, as well as those mentioned in 4 & 5 Will. 4, c. 85, s. 21, so much of the Certificate as relates to character may be cancelled. Persons licensed before the 7th August 1840, are only required to produce the Certificates mentioned in the first Acts; in these cases, therefore, the former part of the Overseers' Certificate, &c. may be cancelled, 3 & 4 Vict. c. 61, s. 18. In cases of houses begun to be occupied since a rate was made, the Certificate must be altered so as to express that the house "will be rated in one sum to the relief of the poor in the next rate to be made and allowed," and that the applicant has claimed to be rated in respect of the said house and premises, s. 3.

The blanks must be carefully filled up throughout.

In addition to this Application the trader must make entry of his premises; 3 & 4 Vict. c. 61, s. 9.

BEER BOND, No. 132.—1.

Retailer's Bond, with one Surety.

KNOW all men by these presents, That we (1) of in the parish of in the county of and of in the parish of in the county of are held and firmly bound to the Commissioners of Excise in the sum of Twenty Pounds of good and lawful money of Great Britain, to be paid to the said Commissioners, and for which payment to be well and faithfully made we bind ourselves, and each of us, by himself, our and each of our heirs, executors, and administrators, and every of them, firmly by these presents. Sealed with our seals. Dated this (6) day of (6) in the year of our Lord one thousand eight hundred and forty- .

WHEREAS the above-bounden (2) has applied for an Excise License for the purpose of selling beer, ale, and porter (3) by retail, under the provisions of an Act of Parliament passed in the first year of the reign of his late Majesty King William the Fourth, intituled, "An Act to permit the general Sale of Beer and Cider by Retail in England;" and of another Act passed in the fourth and fifth years of the reign of his said late Majesty, intituled, "An Act to amend an Act passed in the first year of his late Majesty to permit the general Sale of Beer and Cider by Retail in England;" and of another Act passed in the third and fourth years of the reign of her present Majesty Queen Victoria, intituled, "An Act to amend the Acts relating to the general Sale of Beer and Cider by Retail in England;" and in h application for such licence has proposed the above-bounden (4) as h surety, enter with h into the bond required by the said first-mentioned Act to be entered into before or at the time of receiving such licence. NOW, THE CONDITION of the above-written bond or obligation is such that if the said (5) or do and shall well and truly pay to the person or persons who for the time being shall be entitled to receive the same, any penalty or sum of money not exceeding the amount of the above-mentioned penalty or sum of Twenty Pounds, which shall be incurred for any offence against the said recited Acts or either of them by the said (2) ; or if the said (4) and (4) do and shall well and truly pay to the person or persons who for the time being shall be entitled to receive the same, the said sum of Twenty Pounds, in case any penalty incurred by the said (2) shall exceed the said sum of Twenty Pounds; then the above-written bond or obligation to be void, or else to be and remain in full force and virtue.

1 Will. 4, c. 64.

4 & 5 Will. 4, c. 85

3 & 4 Vict. c. 61.

Signed, sealed and delivered in the presence of

---

(1) Insert the christian and surname, residence (including both the parish and county, and after the name of the county), the occupation or profession of the person to be licensed, and of his surety.

(2) Insert the christian and surname of the person intended to be licensed.

(3) If the licence is for retailing cider and perry only, erase the words "beer, ale, and porter," and insert the words "cider and perry" instead thereof.

(4) Insert the christian and surname of the surety.

(5) Insert the christian and surname of the person intended to be licensed, and of his surety.

(6) Insert the day, month, and year in which the bond is signed by the person who first executes it.

N. B.—The blanks must be filled up in words at length in all proper places throughout the bond and condition, according to the direction above referred to; and there must be a seal affixed for each obligor, who must (in the presence of the witness who attests the execution of such obligor) sign his name opposite to his seal, and then seal and deliver the bond, saying, at the same time, "I deliver this as my act and deed."

AN ACCOUNT of the Number of Houses Licensed for the General Sale of Beer, showing the

Houses in which Beer is Licensed to be Sold, to be Drunk on the Premises. - - - -

COLLECTIONS.	Licensed previous to the Passing of the Act 3 & 4 Vict. c. 61.		NUMBER AT EACH RATE. - - - -						
	No Certificate of Rate.	Rated Under £.8 per Annum.	£.8.	£.9.	£.10.	£.11.	£.12.	£.13.	£.14.
Barnstaple - -	18	16	61	3	6	13	5	1	3
Bath - - -	67	- -	33	17	21	8	24	7	8
Bedford - -	102	- -	142	42	24	107	60	27	21
Birmingham -	- -	18	12	9	19	27	11	19	5
Bolton - -	- -	108	96	43	49	289	134	76	53
Bristol - -	108	3	60	30	27	62	44	14	14
Cambridge -	- -	62	333	89	77	235	54	12	20
Canterbury -	- -	24	48	19	26	37	28	13	12
Chester - -	- -	23	82	8	32	44	18	7	5
Cornwall - -	59	- -	41	5	5	67	20	11	6
Coventry - -	- -	53	77	13	21	41	30	7	9
Cumberland -	- -	37	50	7	4	18	8	2	- -
Derby - -	89	- -	45	13	20	80	28	10	9
Dorset - -	16	18	42	14	28	36	23	8	5
Durham - -	- -	5	20	5	7	57	19	6	2
Essex - -	- -	56	118	57	45	39	48	26	15
Exeter - -	- -	20	35	20	7	22	10	7	- -
Gloucester - -	29	25	69	20	21	63	20	15	22
Grantham - -	14	36	83	49	28	97	62	16	28
Halifax - -	- -	116	46	15	25	183	67	23	43
Hants - -	112	- -	53	29	47	58	45	13	13
Hereford - -	- -	14	47	21	36	67	30	16	9
Hull - - -	- -	34	32	8	20	29	20	5	4
Isle of Wight -	33	29	52	15	31	71	44	14	24
Lancaster - -	24	- -	82	17	28	40	14	5	7
Leeds - -	74	- -	22	14	16	38	19	6	3
Leicester - -	40	31	53	14	20	29	19	4	1
Lichfield - -	13	15	39	28	17	36	32	12	12
Lincoln -	75	1	56	24	18	41	15	6	11
Liverpool - -	- -	5	16	5	25	26	23	7	27
Lynn - - -	40	3	126	62	42	82	59	16	21
Manchester -	133	70	39	39	36	219	101	43	41
Middlesex - -	53	17	82	27	63	83	99	36	49
Newcastle - -	- -	7	33	5	20	7	10	3	3
Northampton -	72	- -	45	22	15	12	15	6	7
Northwich - -	37	23	67	33	40	72	65	19	25
Norwich - -	- -	34	66	14	12	34	16	12	7
Oxford - -	3	25	79	26	29	54	44	13	7
Plymouth - -	2	8	33	8	27	5	16	3	10
Reading - -	165	- -	111	42	39	119	43	27	27
Rochester - -	2	16	72	24	66	53	50	20	25
Salisbury - -	34	2	35	19	15	14	14	9	7
Shrewsbury -	2	13	16	9	7	53	41	16	10
Sheffield - -	60	22	51	29	30	23	25	8	6
Stafford - -	21	7	100	24	29	55	32	14	9
Stourbridge -	- -	19	71	11	9	119	38	14	12
Suffolk - -	1	36	81	19	23	27	17	11	2
Surrey - -	5	29	48	33	50	109	80	27	49
Sussex - -	3	9	58	16	37	31	49	14	16
Taunton - -	138	2	125	53	52	72	51	20	23
Thirsk - -	- -	11	44	15	21	40	33	2	8
Wales, East -	32	- -	160	36	62	284	116	28	36
Wales, Middle -	- -	- -	8	29	26	12	21	4	6
Wales, North -	- -	5	38	2	7	100	8	3	2
Wales, West -	- -	2	7	- -	1	14	6	- -	2
Ware - -	97	1	177	51	117	92	92	32	37
Worcester - -	- -	28	68	34	22	40	42	14	22
York - - -	40	15	31	7	15	9	13	3	4
London - -	12	1	- -	- -	4	- -	4	- -	- -
	1,825	1,154	3,816	1,342	1,666	3,794	2,174	812	864
	No Certificate of Rate.	Rated Under £.8 per Annum.	At £.8.	At £.9.	At £.10.	At £.11.	At £.12.	At £.13.	At £.14.

Sum at which Rated, according to the Certificate required by the Act 3 & 4 Vict. c. 61.

- - - Houses in which Beer is Licensed to be Sold, to be Drunk on the Premises.

- - - - - - - - - NUMBER AT EACH RATE.										TOTAL.
£.15.	£.16.	£.17.	£.18.	£.19.	£.20.	From £.20 to £.30.	From £.30 to £.40.	From £.40 to £.50.	£.50 or Upwards.	
16	3	1	2	- -	1	2	1	- -	- -	152
46	20	8	15	4	13	23	13	3	5	335
17	16	3	4	3	3	5	- -	- -	- -	576
301	153	105	116	105	93	286	25	9	8	1,321
346	169	63	97	30	75	132	20	8	15	1,803
144	85	53	66	12	37	102	17	3	17	898
39	42	5	8	7	14	18	5	3	1	1,024
64	20	14	18	4	9	30	7	1	4	379
45	9	1	15	- -	3	8	3	- -	- -	303
26	9	4	6	5	18	14	1	1	1	299
27	7	7	5	6	3	18	4	1	1	330
13	10	1	2	4	3	1	1	- -	1	162
66	21	30	24	15	14	58	9	1	4	536
18	9	7	11	- -	9	22	8	1	1	276
189	27	3	13	3	14	15	1	- -	1	387
25	9	5	6	2	9	16	3	1	2	482
18	9	3	7	4	3	15	3	- -	2	185
87	52	23	16	8	12	45	21	5	7	560
45	36	10	16	6	14	30	7	2	5	584
284	69	32	36	12	24	58	19	7	4	1,063
285	34	49	40	17	30	73	8	7	- -	913
26	10	9	7	2	5	7	2	- -	1	309
65	11	6	10	3	8	8	7	- -	- -	270
71	59	18	44	7	35	68	19	6	15	655
106	37	36	23	23	50	10	7	2	2	513
210	60	16	17	8	33	43	8	1	1	589
77	13	5	12	8	8	9	4	1	1	349
401	123	38	55	14	63	72	9	4	3	986
38	14	7	12	3	3	16	1	3	2	346
216	241	58	159	31	107	301	62	23	22	1,354
21	10	9	5	6	6	22	3	1	2	536
003	604	126	169	75	175	405	45	31	25	3,379
61	55	21	53	13	63	149	53	27	16	1,020
146	7	5	6	4	3	16	3	2	1	280
51	17	10	11	1	8	17	3	1	3	316
112	33	12	26	5	18	26	5	- -	3	621
67	23	24	13	3	2	5	5	1	2	340
51	19	9	5	3	21	13	6	4	1	412
41	23	43	41	11	142	88	7	6	2	516
92	34	9	18	4	19	30	5	6	3	793
103	99	33	68	22	66	151	59	11	8	948
6	6	2	3	- -	2	8	9	2	2	189
64	12	13	9	5	7	16	2	- -	3	289
125	53	21	30	6	23	53	11	3	6	585
353	72	4	64	1	5	15	4	- -	1	810
273	60	52	42	10	40	25	13	1	4	813
54	23	12	21	4	11	23	2	2	1	370
106	105	22	55	16	60	115	30	10	14	963
70	58	21	69	8	69	69	18	6	3	624
82	22	5	19	5	12	28	13	3	8	733
10	3	3	4	2	6	11	1	1	1	216
613	114	19	73	15	50	74	17	4	4	1,737
16	3	- -	1	- -	- -	- -	- -	- -	- -	126
25	1	1	- -	- -	3	2	1	- -	- -	198
19	2	1	2	- -	1	1	- -	- -	- -	58
52	27	13	21	4	17	15	5	2	2	854
55	29	20	18	6	17	27	8	3	7	460
44	11	1	7	1	6	12	2	1	- -	222
155	185	63	188	36	251	656	277	131	184	2,147
,181	3,087	1,194	1,903	612	1,816	3,577	902	352	432	38,503
t £.15.	At £.16.	At £.17.	At £.18.	At £.19.	At £.20.	From £.20. to £.30.	From £.30 to £.40.	From £.40 to £.50.	£.50 or Upwards.	

AN ACCOUNT of the Number of HOUSES LICENSED for the General Sale of BEER, showing the Sum -

HOUSES in which BEER is Licensed to be Sold, NOT to be Drunk on the Premises. - -

COLLECTIONS.	Licensed previous to the passing of the Act 3 & 4 Vict. c. 61.		NUMBER AT EACH RATE - - - - -						
	No Certificate of Rate.	Rated Under £. 8 per Annum.	£. 8.	£. 9.	£. 10.	£. 11.	£. 12.	£. 13.	£. 14.
Barnstaple -	1	2	4	1	- -	1	1	1	-
Bath - -	- -	- -	10	2	9	4	2	1	2
Bedford - -	- -	- -	11	5	24	13	5	3	2
Birmingham -	- -	2	2	- -	- -	- -	- -	- -	-
Bolton - -	- -	17	6	5	2	7	4	- -	2
Bristol - -	12	- -	7	2	- -	6	2	- -	1
Cambridge -	- -	14	27	10	5	16	2	2	1
Canterbury -	- -	10	11	2	3	4	2	- -	4
Chester - -	- -	1	1	1	1	2	- -	- -	-
Cornwall - -	7	- -	1	- -	- -	2	- -	- -	-
Coventry - -	- -	7	18	4	3	5	3	3	1
Cumberland -	- -	3	1	- -	2	5	- -	- -	1
Derby - -	9	- -	6	2	1	4	5	1	-
Dorset - -	43	- -	15	4	3	4	4	1	2
Durham - -	- -	- -	4	- -	2	- -	1	- -	-
Essex - -	- -	56	28	15	19	6	8	3	3
Exeter - -	- -	2	2	- -	2	2	2	- -	1
Gloucester -	- -	3	2	3	2	3	2	2	2
Grantham -	- -	7	10	2	4	4	1	4	2
Halifax - -	- -	6	- -	2	- -	2	- -	2	-
Hants - -	32	- -	18	4	6	8	2	3	4
Hereford - -	- -	2	1	2	2	- -	3	- -	-
Hull - -	- -	- -	3	1	1	2	- -	1	-
Isle of Wight -	5	4	14	1	4	4	6	- -	-
Lancaster - -	1	- -	- -	- -	- -	- -	- -	- -	-
Leeds - -	- -	- -	2	- -	- -	5	1	- -	-
Leicester - -	6	3	5	2	2	3	3	2	-
Lichfield - -	4	2	4	1	- -	2	2	- -	1
Lincoln - -	9	- -	8	3	2	2 ½	1	1	-
Liverpool - -	- -	- -	- -	- -	1	5	1	- -	2
Lynn - -	17	- -	17	4	4	7	5	3	-
Manchester -	9	3	- -	1	3	10	2	2	-
Middlesex -	7	- -	7	2	3	4	9	1	1
Newcastle -	- -	- -	- -	- -	1	1	- -	- -	-
Northampton -	45	- -	17	11	4	3	6	1	2
Northwich -	- -	2	- -	1	- -	2	2	2	2
Norwich - -	- -	9	8	2	1	3	- -	1	1
Oxford - -	3	15	23	3	9	5	6	4	1
Plymouth - -	3	2	3	- -	- -	1	2	- -	2
Reading - -	37	- -	14	4	3	5	3	1	-
Rochester - -	- -	6	7	3	5	4	2	3	4
Salisbury - -	17	1	1	14	5	4	2	2	3
Shrewsbury -	1	- -	2	- -	- -	1	1	1	1
Sheffield - -	3	13	6	2	2	- -	1	1	2
Stafford - -	- -	- -	- -	- -	- -	1	- -	- -	-
Stourbridge -	- -	2	4	1	1	4	1	- -	-
Suffolk - -	- -	13	16	5	4	4	4	2	-
Surrey - -	- -	3	4	2	4	9	8	- -	5
Sussex - -	1	2	9	6	5	10	5	1	2
Taunton - -	31	2	12	6	5	13	4	4	3
Thirsk - -	- -	1	2	- -	- -	12	3	2	1
Wales, East -	- -	- -	1	1	2	2	1	1	1
Wales, Middle -	- -	- -	- -	- -	2	- -	- -	- -	-
Wales, North -	- -	- -	- -	- -	- -	3	1	- -	-
Wales, West -	- -	- -	- -	1	- -	- -	- -	1	-
Ware - -	15	- -	11	4	9	4	5	4	2
Worcester - -	- -	3	4	6	4	3	3	4	4
York - -	9	1	5	1	1	- -	- -	- -	-
London - -	1	- -	- -	- -	- -	- -	- -	- -	-
	328	219	394	154	177	236	139	71	68
	No Certificate of Rate.	Rated Under £. 8 per Annum.	At £. 8.	At £. 9.	At £. 10.	At £. 11.	At £. 12.	At £. 13.	At £. 14.

Inland Revenue Office, Somerset House, April 1853.

- at which Rated, according to the CERTIFICATE required by the Act, 3 & 4 Vict., c. 61 —*continued.*

- - HOUSES in which BEER is Licensed to be Sold, NOT to be Drunk on the Premises.

- - - - - - - NUMBER AT EACH RATE.									TOTAL.
.	£. 16.	£. 17.	£. 18.	£. 19.	£. 20.	From £. 20 to £. 30.	From £. 30 to £. 40.	From £. 40 to £. 50.	£. 50, or Upwards.	
-	- -	1	1	- -	- -	3	- -	1	- -	17
5	7	1	10	1	3	3	6	- -	- -	66
4	2	- -	3	- -	- -	2	- -	- -	- -	74
4	6	1	4	1	1	2	1	2	- -	26
4	1	1	1	- -	1	- -	- -	- -	- -	51
0	7	2	3	3	3	8	1	4	- -	71
7	5	- -	- -	- -	2	2	1	- -	2	96
1	2	- -	1	1	1	7	- -	3	2	54
-	- -	- -	2	- -	- -	- -	- -	- -	- -	8
1	- -	- -	1	- -	- -	4	1	- -	1	18
4	1	2	- -	1	- -	4	- -	- -	6	62
-	1	- -	- -	- -	3	2	1	4	1	24
5	- -	- -	- -	- -	- -	5	1	- -	1	40
1	2	1	1	1	- -	5	3	- -	1	91
3	- -	- -	2	2	1	1	- -	- -	- -	56
5	1	2	1	- -	1	7	2	3	- -	160
1	- -	3	1	1	- -	4	2	- -	- -	23
2	2	1	4	2	- -	4	1	1	- -	36
2	1	- -	2	- -	- -	2	1	1	3	46
2	- -	- -	2	1	2	3	- -	1	1	34
4	1	2	3	- -	2	6	2	- -	- -	97
-	- -	- -	- -	- -	1	1	- -	- -	1	13
0	5	2	4	1	6	1	- -	- -	- -	47
4	6	3	2	- -	2	3	1	- -	- -	59
-	- -	- -	1	- -	- -	2	- -	2	1	7
0	4	2	2	1	1	2	1	- -	- -	41
5	- -	- -	3	1	3	1	- -	- -	1	40
6	5	- -	- -	1	2	1	1	- -	- -	42
1	2	2	- -	- -	2	5	2	1	2	43
6	3	1	3	- -	1	6	4	3	2	38
8	1	1	1	- -	- -	5	1	- -	2	76
9	16	8	4	2	5	13	2	1	2	132
6	2	1	1	- -	2	5	2	- -	- -	53
2	4	- -	1	- -	- -	- -	- -	- -	1	30
8	1	3	- -	1	- -	3	1	- -	1	107
1	1	- -	2	- -	2	3	- -	- -	1	21
5	2	1	- -	- -	1	2	- -	- -	1	37
11	5	2	2	2	2	4	5	- -	6	108
1	1	- -	1	4	11	6	4	2	- -	43
15	4	- -	2	2	1	7	2	- -	4	104
9	4	3	4	2	4	7	5	- -	1	73
3	1	- -	- -	- -	- -	3	2	- -	- -	58
-	- -	2	1	- -	2	- -	1	- -	2	15
18	7	1	3	1	1	4	- -	- -	- -	65
2	- -	- -	1	- -	1	1	- -	- -	1	7
9	5	- -	1	- -	2	2	- -	- -	- -	32
7	1	- -	- -	1	2	3	- -	1	2	65
7	6	3	2	- -	- -	9	3	1	1	67
6	1	- -	1	- -	4	3	1	- -	- -	57
1	- -	1	4	- -	3	7	2	5	2	105
3	1	1	2	- -	1	1	1	1	- -	32
2	- -	- -	1	- -	- -	- -	1	- -	1	14
-	- -	- -	- -	1	- -	- -	- -	- -	- -	3
2	- -	- -	- -	1	- -	- -	- -	- -	- -	7
-	1	- -	- -	- -	- -	- -	1	- -	- -	4
3	1	3	- -	1	1	4	3	1	1	72
5	2	3	2	- -	- -	1	2	2	4	52
8	- -	- -	1	2	2	1	1	- -	2	34
14	5	3	5	1	5	8	- -	- -	2	44
12	136	63	99	39	90	198	72	40	62	2,997
2. 15.	At £. 16.	At £. 17.	At £. 18.	At £. 19.	At £. 20.	From £. 20 to £. 30.	From £. 30 to £. 40.	From £. 40 to £. 50.	£. 50, or Upwards.	

Appendix, No. 1.

Rates of Duty on Brewers' Licences.

By 1 Will. 4, c. 51, the rate of the Brewers' Licence is to be calculated according to quantity of Malt he may consume in his brewery, viz., one barrel for every two bushels malt, and not according to the number of barrels of beer he brews.

The Brewers' Licence for a new beginner (including the additional 5 per cent.) is 10*s.* 6 and including that sum is, on the quantity brewed,—

		£.	s.	d.
If not exceeding	50 barrels	1	1	–
„	100 „	1	11	6
„	1,000 „	2	2	–
„	2,000 „	3	3	–
„	5,000 „	7	17	6
„	7,500 „	11	16	3
„	10,000 „	15	15	–
„	30,000 „	47	5	–
„	40,000 „	63	–	–
Exceeding	40,000 „	78	15	–

Inland Revenue Office,
April 1853.

AN ACCOUNT of the Rates of Licence Duty paid by Beer Retailers under the Act 4 & 5 Will. 4, c. 85, and by Publicans.

	RATE OF DUT		
Retailers of Beer:	£.	s.	d.
Not to be drunk on the premises	1	2	–½
To be drunk on the premises	3	6	1¾
Publicans for Retailing Beer:			
Whose premises are rated under 20*l.* per annum	1	2	–½
„ at 20*l.* and upwards	3	6	1¾
Publicans for Retailing Spirits:			
Whose premises are rated under 10*l.* per annum	2	4	1
„ at 10*l.* and under 20*l.*	4	8	2¼
„ at 20*l.* „ 25*l.*	6	12	3½
„ at 25*l.* „ 30*l.*	7	14	4
„ at 30*l.* „ 40*l.*	8	16	4¾
„ at 40*l.* „ 50*l.*	9	18	5¼
„ at 50*l.* and upwards.	11	–	6

Inland Revenue Office,
April 1853.

AN ACCOUNT of the Number of PUBLICANS' BEER LICENCES in the Five Years preceding the Repeal of the Beer Duty, and in each Year subsequently.

YEARS.	UNITED KINGDOM.		YEARS.	UNITED KINGDOM.	
	NUMBER.	AMOUNT OF DUTY.		NUMBER.	AMOUNT OF DUTY.
		£. s. d.			£. s. d.
25 -	72,063	106,859 11 –	1839 -	94,097	139,346 11 –
26 -	77,686	112,914 2 –	1840 -	89,578	143,045 9 9
27 -	82,826	119,571 18 –	1841 -	87,683	141,659 18 4
28 -	89,864	129,192 – –	1842 -	86,193	140,132 9 8
29 -	88,930	130,741 16 –	1843 -	86,393	140,588 16 9
			1844 -	87,457	142,231 3 8
31 -	88,764	130,754 8 –	1845 -	89,285	145,147 14 5
32 -	87,246	127,417 10 –	1846 -	89,643	146,159 14 6
33 -	90,835	131,992 7 –	1847 -	88,063	145,229 19 –
34 -	90,148	131,180 14 –	1848 -	88,779	146,667 7 5
35 -	91,226	132,911 2 –	1849 -	88,420	146,679 13 9
36 -	93,860	136,227 – –	1850 -	89,361	148,761 19 7
37 -	93,631	136,610 5 –	1851 -	89,886	150,553 9 6
38 -	94,616	138,560 2 –	1852 -	91,271	153,594 16 9

Inland Revenue Office, April 1853.

AN ACCOUNT of the Number of BREWERS' LICENCES, and Amount of DUTY Paid by them, in the Five Years preceding the Repeal of the Beer Duty, and in each Year subsequently.

YEARS.	UNITED KINGDOM.		YEARS.	UNITED KINGDOM.	
	NUMBER.	AMOUNT OF DUTY.		NUMBER.	AMOUNT OF DUTY.
		£.			£.
25 - -	26,252	50,355	1839 - -	47,960	82,751
26 - -	27,023	50,641	1840 - -	46,375	83,066
27 - -	27,589	51,717	1841 - -	44,802	79,356
28 - -	28,441	55,450	1842 - -	43,906	77,047
29 - -	28,594	55,973	1843 - -	44,423	78,174
The duty on beer repealed from 10th October 1830.			1844 - -	44,031	78,641
			1845 - -	44,348	78,264
31 - -	43,139	72,967	1846 - -	43,461	80,262
32 - -	43,272	73,771	1847 - -	42,526	75,824
33 - -	44,562	76,346	1848 - -	42,855	76,586
34 - -	45,988	80,713	1849 - -	43,372	76,670
35 - -	47,550	82,273	1850 - -	42,377	79,079
36 - -	49,084	86,532	1851 -	45,424	82,719
37 - -	48,689	82,564	1852 - -	45,761	83,548
38 - -	49,265	82,969			

Inland Revenue Office, April 1853.

Appendix, No. 1.

AN ACCOUNT of the Number of Licences Granted in *England* and *Wales*, for the Sale of Beer by Retail, under the Acts 1 Will. 4, c. 64, and 4 & 5 Will. 4, c. 85, from the Year 1830 to 1852.

YEARS.	Number of Licences Issued.		Amount of Duty.
	For the Sale of Beer, Cider, and Perry.	——	
	At 2*l.* 2*s.*		£. s. d.
1830	24,342		51,118 4 –
1831	30,978		65,053 16 –
1832	33,515		70,381 10 –
1833	34,976		73,449 12 –
1834	21,975		46,147 10 –
	For the Sale of Beer, Cider, and Perry.		
	To be Drunk on the Premises.	Not to be Drunk on the Premises.	
	At 3*l.* 3*s.*	At 1*l.* 1*s.*	
1834	13,654	1,752	44,849 14 –
1835	35,536	4,118	116,262 6 –
1836	39,100	5,030	128,446 10 –
1837	39,902	5,291	131,246 17 –
1838	39,865	5,852	131,719 7 –
1839	38,789	5,940	128,422 7 –
	At 3*l.* 6*s.* 1¾*d.*	At 1*l.* 2*s.* 0½*d.*	
1840	36,871	5,743	125,623 17 7
1841	33,846	4,954	117,396 15 10
1842	31,307	4,372	108,359 13 9
1843	31,212	4,195	107,850 8 6
1844	31,745	3,945	109,337 13 10
1845	32,624	3,687	111,961 5 9
1846	33,941	3,528	116,140 18 8
1847	34,967	3,508	119,512 3 6
1848	34,551	3,324	117,933 11 2
1849	34,755	3,234	118,509 – 11
1850	36,080	3,343	123,011 6 10
1851	37,598	3,293	127,976 14 2
1852	39,967	3,348	135,872 6 –

Inland Revenue Office,
April 1853.

AN ACCOUNT of the Number of Licences Granted in *England*, for the Sale of Cider and Perry only by Retail, from the Commencement of the Act 1 Will. 4, c. 64, to the Year 1852.

YEARS.	Retailers of Cider and Perry only.		YEARS.	Retailers of Cider and Perry only.	
	Number and Rate.	Amount of Duty.		Number and Rate.	Amount of Duty.
		£. s. d.			£. s. d.
1830	149 at 1*l.* 1*s.*	156 9 –	1840	438 at 1*l.* 2*s.* 0½*d.*	474 4 5
1831	206 „	216 6 –	1841	606 „	667 12 –
1832	188 „	197 8 –	1842	700 „	771 9 1
1833	653 „	685 13 –	1843	903 „	995 3 7
1834	1,054 „	1,106 14 –	1844	889 „	979 15 –
1835	1,913 „	2,008 13 –	1845	954 „	1,051 7 9
1836	1,608 „	1,688 8 –	1846	856 „	943 7 8
1837	1,585 „	1,664 5 –	1847	675 „	743 18 –
1838	1,391 „	1,460 11 –	1848	793 „	873 19 –
1839	590 „	619 10 –	1849	805 „	887 3 6
			1850	831 „	915 16 7
			1851	656 „	722 19 4
			1852	711 „	783 11 7

Inland Revenue Office, 3 May 1853.

AN ACCOUNT of the Number of CONVICTIONS against PUBLICANS, in the last Six Years, by the EXCISE.

ENGLAND AND WALES.

YEARS.	NATURE OF OFFENCE.							
	Selling Wine without Licence.	Selling Tobacco without Licence.	Not renewing Licence.	Selling at Illegal Fairs.	Receiving Spirits without Permit or Certificate.	Removing Spirits without Certificate.	Not cancelling Certificate.	TOTAL.
1847 -	4	2	16	1	27	- -	- -	50
1848 -	6	- -	60	3	3	- -	- -	72
1849 -	12	2	80	5	3	5	29	136
1850 -	3	1	133	5	5	3	9	159
1851 -	7	1	77	3	8	4	1	101
1852 -	5	6	58	- -	11	3	3	86

Inland Revenue Office, April 1853.

AN ACCOUNT of the Number of CONVICTIONS against RETAILERS of BEER, under the Act 1 Will. 4, c. 64, and 4 & 5 Will. 4, c. 85, in the last Six Years, by the EXCISE.

ENGLAND AND WALES.

YEARS.	NATURE OF OFFENCE.				
	Selling Spirits.	Having Spirits on the Premises.	Selling Beer to be Consumed on the Premises, being only Licensed to sell Beer to be Drunk off the Premises.	Not Renewing Licence.	TOTAL.
1847 - - -	21	16	30	26	93
1848 - - -	14	9	5	9	37
1849 - - -	23	12	24	25	84
1850 - - -	16	36	29	69	150
1851 - - -	21	33	18	57	129
1852 - - -	17	45	37	57	156

Inland Revenue Office, April 1853.

AN ACCOUNT of the Number of BEER-SHOP KEEPERS Convicted in the Summary Court for selling Beer without Licence; and of Persons for Selling Beer, &c. at Fairs.

YEARS.	Number of Persons Convicted.		YEARS.	Number of Persons Convicted.	
	Selling without Licence.	Selling Beer, &c. at Fairs.		Selling without Licence.	Selling Beer, &c. at Fairs.
1845 - -	24	30	1849 - -	25	—
1846 - -	13	21	1850 - -	40	2
1847 - -	18	—	1851 - -	25	1
1848 - -	8	—	1852 - -	26	1

Inland Revenue Office, April 1853.

Appendix, No. 1.

AN ACCOUNT of the Produce of the DUTY on BEER, in each of the Three last complete Years of its Collection.

YEARS.	Amount of Duty charged on Beer.
	£.
1827 - - - - - - - - -	3,200,905
1828 - - - - - - - - -	3,294,697
1829 - - - - - - - - -	2,989,602

Inland Revenue Office,
April 1853.

A STATEMENT of the Number of Gallons of BRITISH SPIRITS consumed in Decennial Periods during the present Century, the Amount of Duty paid, and the proportionate Consumption of each Individual, in *England*, *Scotland*, *Ireland*, and the *United Kingdom*.

	Years.	Number of Gallons of Spirits.	Duty per Gallon.	Amount of Duty.	Average Yearly Consumption by each Person.	Average Contribution to the Revenue by each Person.
			s. d.	£.	*Gallons.*	s. d.
ENGLAND - - -	1802	3,464,380	5 4½	937,311	0·36	1 11¼
Owing to the high price of corn in 1801 and 1811, Parliament interfered to prevent distillation therefrom; the years 1802 and 1812 have therefore been taken as affording the best comparison.	1812	3,622,970	10 3	1,873,207	0·33	3 5
	1821	4,125,616	11 8½	2,419,281	0·33	3 10¾
	1831	7,434,047	7 6	2,787,767	0·53	3 11¾
	1841	8,166,985	7 10	3,198,735	0·51	4 –
	1851	9,595,368	7 10	3,758,185	0·53	4 2
SCOTLAND - - -	1802	1,158,558	3 10½	217,866	0·71	2 9
	1812	1,318,115	8 –½	646,592	0·71	6 11
	1821	2,385,495	6 2	738,088	1·14	7 –¼
	1831	5,700,689	3 4	950,115	2·41	8 –¼
	1841	5,989,905	3 8	1,098,149	2·28	8 4¼
	1851	6,830,710	3 8	1,252,296	2·37	8 8½
IRELAND - - -	1802	4,715,098	2 10¼	674,575	0·86	2 5½
	1812	4,009,301	5 1¼	942,880	0·66	3 1¼
	1821	3,311,462	5 7¼	928,304	0·48	2 8¼
	1831	8,710,672	2 4	1,451,779	1·11	3 8¾
	1841	6,485,443	2 8	864,726	0·80	2 1½
	1851	7,550,518	2 8	1,006,735	1·15	3 1
UNITED KINGDOM -	1802	9,338,036	- -	1,829,752	0·56	2 3
	1812	8,950,386	- -	3,467,677	0·49	3 8
	1821	9,822,573	- -	4,085,673	0·46	3 10¼
	1831	21,845,408	- -	5,189,661	0·90	4 3¼
	1841	20,642,333	- -	5,161,610	0·77	3 10¼
	1851	23,976,596	- -	6,017,216	0·87	4 4½

The Yearly Consumption of British Spirits in the United Kingdom has, since 1841, been as follows:

YEARS.	GALLONS.	YEARS.	GALLONS.
1842	18,841,890	1847	20,639,797
1843	18,864,332	1848	22,202,450
1844	20,608,525	1849	22,962,012
1845	23,122,588	1850	23,862,585
1846	24,106,697	1851	23,976,596

Inland Revenue Office,
3 July 1852.

A STATEMENT of the Number of Gallons of Colonial Spirits consumed in Decennial Periods during the present Century, the Amount of Duty paid, and the proportionate Consumption of each Individual, in *England, Scotland, Ireland,* and the United Kingdom.

	Years.	Number of Gallons of Spirits.	Duty per Gallon.	Amount of Duty.	Yearly Average Consumption by each Person.	Average Contribution for the Revenue by each Person.
			s. *d.*	£.	*Gallons.*	*s.* *d.*
England	1802	2,204,897	9 – ¾	1,012,126	0·23	2 1
	1812	3,205,465	13 7 ¾	2,166,137	0·29	4 –
	1821	2,166,441	13 11 ½	1,481,560	0·17	2 4 ½
	1831	3,479,911	9 –	1,564,775	0·25	2 3
	1841	2,217,073	9 4	1,064,671	0·14	1 3 ½
	1851	2,542,396	8 2	1,038,204	0·14	1 1 ¾
Scotland	1802	468,163	9 – ¾	210,863	0·29	2 7 ½
	1812	286,569	13 7 ¾	193,202	0·15	2 – ½
	1821	138,189	13 11 ½	94,817	0·06	– 10
	1831	125,702	9 –	56,566	0·05	– 5 ½
	1841	48,523	9 4	22,644	0·02	– 2 ¼
	1851	179,883	4 –	35,981	0·06	– 3
Ireland	1802	637,005	6 11 ¼	206,861	0·12	– 8
	1812	283,135	10 3 ½	149,817	0·04	– 5
	1821	19,685	12 8 ¾	12,538	0·003	– – ½
	1831	18,984	9 –	8,540	0·002	– – ¼
	1841	12,374	9 4	5,772	0·0015	– – ⅙
	1851	158,146	3 –	23,745	0·02	– – ¾
United Kingdom	1802	3,310,065	– –	1,429,850	0·20	1 8 ¼
	1812	3,775,169	– –	2,509,156	0·20	2 8
	1821	2,324,315	– –	1,588,915	0·11	1 6
	1831	3,624,597	– –	1,629,881	0·15	1 4
	1841	2,277,970	– –	1,063,087	0·09	– 9 ½
	1851	2,880,425	– –	1,097,930	0·10	– 9 ½

Appendix, No. 1.

The YEARLY CONSUMPTION of COLONIAL SPIRITS in the *United Kingdom* has, since 1841, been as follows:

YEARS.	GALLONS.	YEARS.	GALLONS.
1842	2,097,747	1847	3,328,985
1843	2,103,715	1848	2,986,979
1844	2,198,592	1849	3,039,862
1845	2,469,135	1850	2,902,206
1846	2,683,701	1851	2,880,425

Inland Revenue Office,
July 1852.

AN ACCOUNT of the Number of BUSHELS of MALT charged with DUTY in *England* and *Wales*, in each Year from 1821 to 1852, both inclusive, with Averages.

YEARS.	Number of Bushels of Malt Charged with Duty in England and Wales.	YEARS.	Number of Bushels of Malt Charged with Duty in England and Wales.	YEARS.	Number of Bushels of Malt Charged with Duty in England and Wales.
1821	26,138,437	1831	32,963,470	1841	30,956,394
1822	26,688,512	1832	31,669,771	1842	30,796,262
1823	24,845,152	1833	33,789,010	1843	30,891,002
1824	27,615,383	1834	34,449,646	1844	31,856,551
1825	29,572,741	1835	36,078,856	1845	30,508,840
1826	27,335,971	1836	37,196,997	1846	35,723,774
1827	25,096,337	1837	33,692,356	1847	30,269,965
1828	30,517,819	1838	33,823,985	1848	31,848,701
1829	23,428,135	1839	33,826,016	1849	33,161,128
1830	26,900,902	1840	36,653,442	1850	34,423,489
				1851	34,638,212
				1852	35,482,773
Average	26,813,938	Average	34,414,354	Average	32,546,424

Inland Revenue Office,
April 1853.

Appendix, No. 2.

PAPER delivered in by Superintendent *Haynes*.

Specimen of a Police Report of Disorderlies, and the Results. Appendix, No. 2.

M, or Southwark Division of the Police of the Metropolis.

On Sunday, 4 July 1852, at 11¾ A.M., Inspector Townson and a constable of the M Division, observed a man looking out of the Two Brewers public-house, in New Park-street, in the parish of St. Saviour's, Southwark, who, as soon as he observed the inspector, shut the door. The inspector knocked at the door, but was not admitted for some minutes, and during the time he was detained, could hear persons moving about; when the door was opened, the inspector observed that the yard had been fresh washed down, and the marks of footsteps leading to the cellar were visible. The cellar door was locked, but being an entered room, the inspector asked to be admitted into it. The landlord, James Burr, refused to admit the inspector then, but told him if he came any other day he would admit him, and asked the inspector to go into the bar-parlour and settle it over a glass of wine.

The landlord was summoned for refusing admittance to the police, and fined 5*s.*, and the costs of the summons, 2*s.*, by Boyce Coombe, Esq., at Southwark Police Court.

On Sunday, 5 December 1852, a working man was observed by Inspector Townson to leave the adjoining house to the Two Brewers (which house was at the time unoccupied) and enter the Two Brewers, at 10 minutes past 12 P.M. The inspector visited the public-house, but did not observe any signs of trading; but on returning he was informed by two constables, who were employed to watch the house in plain clothes, that they had seen a man enter the public-house a short time before with a basket, and that the potman came out of the public-house and opened the door of the unoccupied house adjoining, and admitted five men and the two constables with them. The five men were served with four pints of beer by the landlord's brother-in-law, Henry Jupp, from a can which was taken from the basket the man was observed to take into the public-house. The inspector then went into the unoccupied house, and found the five men there; some of them were smoking; on questioning them as to their business there, they said the truth was, they came for some beer. It was evident that the basket containing the can of beer had been passed over the wall which separates the public-house from the unoccupied house; but as this could not be proved, Jupp, who was seen to take money for the beer, was summoned for selling beer without a licence, and fined 5*l.*, and 2*s.*, the costs of the summons, by B. Coombe, Esq., at the Southwark Police Court, and the magistrate directed that the case should be laid before the licensing magistrates.

The unoccupied house was let by Messrs. Barclay & Co. to James Burr, with the Two Brewers public-house.

A short time before licensing day, Messrs. Barclay & Co. put a man named Simpson into the Two Brewers public-house, for the purpose of securing the licence, and it was arranged that Burr should have the Royal Oak public-house, in Morgan's-lane, Tooley-street; but as the transfer of the licence of the Two Brewers was refused, they would not risk the application. The Two Brewers is now shut up, and the man Simpson is at the George in Stoney-street.

James Burr, who kept the Two Brewers public-house in Park-street, is now conducting the business of the Feathers, in Stoney-street, Borough Market. The licence of this house was taken away on the last licensing day for Sunday trading. It is now a beershop, and the licence is in the name of James Burrell, who keeps a beershop at Leytonstone, Essex, and is a relation of Burr's.

A man named Jupp, the father of Henry Jupp, who is brother-in-law to James Burr, is foreman to Messrs. Raymond & Co., Flour Wharf, Montague-close, and they have promised to intercede with the licensing magistrates to get the Feathers licensed again next year.

A gentleman named Bland, collector to Messrs. Barclay & Co., attended before the licensing magistrates, and stated that as soon as they had ascertained how the man Burr had acted, they immediately removed him from the Two Brewers public-house, and he then applied for the licence to be transferred to Simpson. On being asked by one of the magistrates whether the man Burr was not then in one of their houses, he replied, certainly not; but on being further questioned if Burr was not in treaty for one of their houses, he admitted that he was.

John Haynes, Superintendent.

Appendix, No. 3.

PAPER delivered in by the Rev. *Francis Bishop.*

Appendix, No. 3.

The New Brunswick Anti-Liquor Law.

Reprinted from the "Weekly News and Chronicle."

Cap. LI.—*An Act to Prevent the Traffic in Intoxicating Liquors.* Passed 7 April 1852.

Preamble: Whereas experience has proved that the use of intoxicating liquors as a beverage is the cause of a very large proportion of the ills that affect communities in producing crime, poverty, disease, and demoralisation: And whereas it is the duty of all Governments to legislate for the happiness, comfort, and prosperity of the people,—

Be it therefore Enacted, by the Lieutenant-governor, Legislative Council, and Assembly as follows:

I. No person shall, by himself, partner in business, his clerk, servant, or agent, manufacture any alcoholic or intoxicating liquors within this province, except for religious, medicinal, chemical, or mechanical purposes, except beer, ale, porter, and cider; and not in that case without a licence first had and obtained from the Court of Sessions of the county, or the corporate body invested with the local government of the city or district in which the same shall be manufactured (which licence shall only be in force and effect for the term of 12 calendar months from the date thereof, and may be annulled at any intermediate time for any violation of any of the provisions of this Act); and every such person, before obtaining such licence, shall execute and deliver to the said court a bond, with two good and sufficient sureties, in the penal sum of 200 *l.*, in substance as follows:

"Know all men by these presents, that we , as principal and sureties, are held and firmly bound unto Her Majesty the Queen in the penal sum of 200 *l.* of lawful money of the province of New Brunswick; for which payment we bind ourselves, and each of us binds himself, our and each and every of our heirs, executors, and administrators, firmly by these presents. Sealed with our seals. Dated this day of A.D. 18 .

"The condition of this obligation is such, that whereas the bounden has been duly licensed to manufacture alcoholic liquors within the county (or city, or district) of , for religious, medicinal, chemical, and mechanical purposes, and none other, for a period of 12 calendar months from the day of .

"Now, if the said shall not violate the provisions, or any of them, of an Act made and passed in the 15th year of the reign of Her Majesty Queen Victoria, intituled, 'An Act to prevent the Traffic in Intoxicating Liquors,' but shall in all respects conform thereto, then this obligation to be void, otherwise to remain in full force."

II. The sale or gift of any alcoholic or intoxicating liquors, excepting beer, ale, porter, cider, by any manufacturer thereof, to any person other than an agent appointed under section 3d of this Act, shall be *primâ facie* evidence of the manufacture thereof, in contravention of the 1st section of this Act.

III. Any general or special sessions of any county, or any corporate body invested with the local government of any city or district, may appoint some suitable person as the agent of said county, city, or district, to sell at some central and convenient place within said county, city, or district, spirits, wines, and other alcoholic or intoxicating liquors, to be used for religious, medicinal, chemical, and mechanical purposes, and no other, except as aforesaid; and such agent shall receive such compensation for his services as the board appointing him shall prescribe; and shall, in the sale of such liquors, conform to such rules

rules and regulations as the Court of Sessions or such corporate body as aforesaid shall prescribe for that purpose; and such agent appointed as aforesaid shall hold his situation for one year, unless sooner removed by the board from which he received his appointment, as he may be at any time at the pleasure of said board.

IV. Such agent shall receive a certificate from the Court of Sessions, or such corporate body by whom he shall be appointed, authorising him, as the agent of such county, city, or district, to sell intoxicating liquors for religious, medicinal, chemical, and mechanical purposes only; but such certificate shall not be delivered to the person so appointed until he shall have executed and delivered to the said board a bond, with two good and sufficient sureties in the sum of 200*l.*, conditioned as follows:—

"Know all, then, by these presents, that I, , as principal, and and , as sureties, are held and stand firmly bound to Her Majesty the Queen in the sum of 200*l.* of lawful money of the province of New Brunswick, to be paid to Her Majesty or her successors, for which payment to be well and truly made, we bind ourselves, and each of us binds himself, our, each and every of our heirs, executors, or administrators, firmly by these presents. Sealed with our seal, and dated this day of , A.D. 18 .

"The condition of this obligation is such, that whereas the above bounden has been duly appointed agent for the county (or city or district) of , to sell within and for and on account of said county (or city or district), intoxicating liquors for religious, medicinal, chemical, and mechanical purposes, and no other, until the day of , A. D. 18 , unless sooner removed from said agency.

"Now, if the said shall in all respects conform to the provisions of an Act made and passed in the 15th year of Her Majesty's reign, intituled 'An Act to Prevent the Traffic in Intoxicating Liquors,' and to such rules and regulations as now are or shall be from time to time established by the Board for making the appointment, then this obligation to be void, otherwise to remain in full force."

V. No person, not being a licensed manufacturer thereof, or an agent appointed under the provisions of this Act, shall manufacture, expose, or keep for sale, or shall sell, dispose of, or exchange for any other matter or thing, any alcoholic or intoxicating liquors, except as before excepted, whatsoever, either directly or indirectly, under the penalty of 5*l.* to be imposed on the first conviction, 10*l.* on the second, and imprisonment on the third and every subsequent conviction, for a period not more than 12 calendar months; such money to be applied to the use of the poor in the county, city, or district in which such offence shall be proved to have been committed, the person convicted to stand committed until the same be paid; but nothing contained in this Act shall be construed to prevent any chemist, artist, or manufacturer in whose art or trade they may be necessary, from keeping at his place of business such reasonable or proper quantity of distilled liquors as he may have occasion to use in his art or trade, but not for sale, gift, or barter.

VI. If any clerk, servant, or agent, or other person in the employment or on the premises of another, shall sell or manufacture, or assist in selling or manufacturing, any alcoholic or intoxicating liquors, except as before excepted, for the person in whose service he, she, or they are engaged, in violation of the provisions of this Act, he, she, or they shall be held equally guilty, and shall suffer the like penalty of 5*l.* on the first conviction, 10*l.* on the second, and imprisonment for a period not more than 12 calendar months on the third and every subsequent conviction.

VII. No appeal or order for removal shall be allowed to the party against whom any judgment shall be rendered for any offence against the provisions of this Act before any two justices of the peace or police magistrate, unless such party shall recognise, in the sum of 25*l.*, with two good and sufficient sureties, in every case so appealed, to prosecute his appeal, and to pay all costs, fines, and penalties that may be awarded against him upon a final disposition of such suit or complaint; and no recognisance or bond shall be taken in cases arising under this Act, except by the justices or judges before whom the trial was had; and the forfeiture for all bonds and recognisances given in pursuance of this Act shall go to the county, or city, or district where the offence was committed, for the use of the poor; and if the recognisance and bond mentioned in this section shall not be given within 48 hours after judgment, the appeal shall not be allowed; the defendant in the mean time to stand committed.

VIII. The Court of Sessions of any county, or the corporate body invested with the local government of the city or district, whenever any complaint shall be made to them that a breach of the condition of any bond given by any person appointed under this Act to manufacture or sell alcoholic or intoxicating liquors has been committed, shall notify the person complained of; and if upon hearing of the parties it shall appear that any breach has been committed, they shall revoke and make void his appointment, and shall cause the bond so forfeited to be put in suit before a court competent to try the same.

IX. Any two justices of the peace, or any judge of a police court, shall have jurisdiction in all cases arising under the fifth and sixth sections of this Act, and any forfeiture or penalty

Appendix, No. 3.

arising under the same may be recovered by action of debt, on complaint before any such justices or judge in the county or district where the offence was committed, and the prosecutor or complainant may be admitted as a witness on the trial; and if such justices or judge before whom such trial shall be had shall so order, the defendant shall not recover costs though the prosecution fail.

X. No person engaged in the unlawful manufacture or traffic in intoxicating liquors shall be competent to sit upon any jury in any case arising under this Act; and when information shall be communicated to the court that any member of any panel is engaged in such manufacture or traffic, or that he is believed to be so engaged, the court shall inquire of the juror of whom such belief is entertained, and no answer which he shall make shall be used against him in any case arising under this Act; but if he shall answer falsely he shall be incapable of serving on any jury in this province, but he may decline to answer, on which he shall be discharged by the court from further attendance as a juror.

XI. If any three persons, voters in the county, city, or district where the complaint shall be made, shall, before any two justices of the peace, or judge of any inferior court of Common Pleas, or judge of a police court, make complaint under oath or affirmation that they have reason to believe, and do believe, that alcoholic or intoxicating liquors, intended for sale by some person or persons not authorised to sell the same, are kept deposited in any steamboat or other vessel, or in any carriage of any description, or in any store, shop, warehouse, or other building or place in such county, city, or district, by any person not authorised to sell the same in said county, city, or district, under the provisions of this Act, said justices or judge shall issue their or his warrant of search to any sheriff, marshal, or constable, who shall proceed to search the premises described in said warrant, and if any alcoholic or intoxicating liquors, except as before excepted, are found therein, he shall seize the same and convey them to some proper place of security, where he shall keep them until final action is had thereon; but no dwelling-house in which, or in part of which, a shop is not kept shall be searched, unless one, at least, of said complainants shall testify on oath to some act of sale of alcoholic or intoxicating liquors therein or therefrom, within at least one calendar month of the time of making said complaint; and the owner or keeper of said liquors seized as aforesaid, if he shall be known to the officer seizing the same, shall be summoned forthwith before the justices or judge by whose warrant the liquors were seized; and if he fail to appear, and it is shown to the satisfaction of the said justices or judge that the said liquors were intended for sale, they shall be declared forfeited, and shall be destroyed by authority of the written order to that effect of said justices or judge, and in his presence, or in the presence of some person appointed by him to witness the destruction thereof, and who shall join with the officer by whom they shall have been destroyed, in attesting that fact upon the back of the order by authority of which it was done; and the owner or keeper of such liquors shall pay a fine of ten pounds and costs, or stand committed for three calendar months in default of payment.

XII. If the owner, keeper, or possessor of liquors seized under the provisions of this Act shall be unknown to the officer seizing the same, they shall not be condemned and destroyed until they shall have been advertised, with the number and description of the packages, as near as may be, for two weeks, by pasting up a written or printed description of the same in three public places, that if such liquors are actually the property of any person authorised to sell the same agreeably to the provisions of this Act, they may not be destroyed; but upon satisfactory proof of such ownership within said two weeks, before the justices or judge by whose authority said liquors were seized, said justices or judge shall deliver them to the owner, taking his receipt therefor upon the back of said order, which shall be returned to said justices or judge.

XIII. It shall be the duty of any justice of the peace, mayor, alderman, assessor, city marshal, constable, or policeman, if he shall have information that any intoxicating liquors, except as before excepted, are kept or sold in any tent, shanty, hut, or place of any kind for selling refreshment in any public place on or near the ground of any cattle-show, agricultural exhibition, military muster, or public occasion of any kind, to search such suspected place, and if such officer shall find upon the premises any intoxicating liquors, he shall seize them and arrest the keeper or keepers of such place, and take them forthwith, or as soon as may be, before some justice or judge of a police court, with liquors so found and seized; and upon the proof that said liquors are intoxicating, that they were found in possession of the accused in a tent, shanty, or other place as aforesaid, he or they shall be fined in the sum of five pounds, or be sentenced to imprisonment for thirty days, and the liquors so seized shall be destroyed by order of said justice or judge.

XIV. All payments or compensations for liquors sold in violation of law, whether in labour, money, or other property, either real or personal, shall be held and considered to have been received in violation of law, and without consideration, and against law, equity, and good conscience; and all sales, transfers, and conveyances, mortgages, liens, pledges, and securities of every kind, which either in whole or in part shall have been for or on account of alcoholic or intoxicating liquors, shall be utterly null and void against all persons and in all cases; and no rights of any kind shall be acquired thereby, and no action of any kind shall be maintained either in whole or in part, for alcoholic or intoxicating liquors sold in contravention of this Act.

XV. All

XV. All Acts, and parts of Acts, now in force relating to the sale of intoxicating liquors, or for granting licences, &c., be and the same are hereby repealed; provided that all licences granted under the authority of the said Acts, or parts of Acts, shall continue in like force and effect as if the said Acts, or parts of Acts, had not been repealed, and that all rules and regulations made under and by virtue of any such Acts, or parts of Acts, shall continue in force during the term of such licences; provided also, that no innkeeper, tavern-keeper, or retailer, who, since the passing of any such Acts, or parts of Acts, hath sold upon trust or credit any wine, brandy, rum, strong beer, ale, or any other strong or spirituous liquors, to any person whomsoever, shall have any remedy against said person, his executors or administrators, either in law or equity, for the recovery of the same.

XVI. Whenever in any of the aforesaid provisions, bonds importing the singular number or masculine gender are used, the said provisions shall be understood to include several matters or things as well as one matter or thing, several persons as well as one person, and females as well as males, unless there be something in the subject or context repugnant to such a construction.

XVII. This Act shall not come into operation or be in force until the first day of June, in the year one thousand eight hundred and fifty-three.

TRACTS on the Traffic in Intoxicating Drinks.

No. 3.—The Maine Law.

An Act for the Suppression of Drinking-houses and Tippling-shops.

Be it Enacted, by the Senate and House of Representatives in Legislature assembled, as follows:

Sect. 1. No person shall be allowed at any time to manufacture or sell, by himself, his clerk, servant, or agent, directly or indirectly, any spirituous or intoxicating liquors, or any mixed liquors a part of which is spirituous or intoxicating, except as hereafter provided.

Sect. 2. The selectmen of every town, and mayor and aldermen of any city, on the first Monday of May annually, or as soon thereafter as may be convenient, may appoint some suitable person as the agent of said town or city, to sell at some central and convenient place within said town or city, spirits, wines, and other intoxicating liquors, to be used for medicinal and mechanical purposes, and no other; and said agent shall receive such compensation for his services as the board appointing him shall prescribe; and shall in the sale of such liquors conform to such rules and regulations as the selectmen or mayor and aldermen as aforesaid, shall prescribe for that purpose. And such agent, appointed as aforesaid, shall hold his situation for one year, unless sooner removed by the board from which he received his appointment, as he may be at any time, at the pleasure of said board.

Sect. 3. Such agent shall receive a certificate from the mayor and aldermen or selectmen by whom he has been appointed, authorising him as the agent of such town or city to sell intoxicating liquors for medicinal and mechanical purposes only; but such certificate shall not be delivered to the person so appointed until he shall have executed and delivered to said board, a bond, with two good and sufficient sureties, in the sum of 600 dollars, in substance as follows:

"Know all men, that we, as principal, and and , as sureties, are holden and stand firmly bound to the inhabitants of the town of (or city, as the case may be), in the sum of 600 dollars, to be paid them, to which payment we bind ourselves, our heirs, executors, and administrators, firmly by these presents. Sealed with our seals, and dated this day of , A.D. .

"The condition of this obligation is such, that whereas the above bounden has been duly appointed an agent for the town (or city) of , to sell, within, and for, and on account of said town (or city), intoxicating liquors for medicinal and mechanical purposes, and no other, until the of , A. D. , unless sooner removed from said agency.

"Now, if the said should in all respects conform to the provisions of the law relating to the business for which he is appointed, and to such rules and regulations as now are, or shall be from time to time established by the board making the appointment, then the obligation to be void; otherwise to remain in full force."

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Sect. 4. If any person, by himself, clerk, servant, or agent, shall at any time sell any spirituous or intoxicating liquors, or any mixed liquors, part of which is intoxicating, in violation of the provisions of this Act, he shall forfeit and pay on the first conviction, 10 dollars, and the costs of prosecution, and shall stand committed until the same be paid; on the second conviction he shall pay 20 dollars, and the costs of prosecution, and shall stand committed until the same be paid; on the third and every subsequent conviction, he shall pay 20 dollars, and the costs of prosecution, and shall be imprisoned in the common gaol not less than three months, and in default of the payment of the fines and costs prescribed by this section for the first and second convictions, the convict shall not be entitled to the benefit of chapter 125 of the revised statutes, until he shall have been imprisoned two months; and in default of payment of fines and costs provided for the third and every subsequent conviction, he shall not be entitled to the benefit of said chapter 175 of the revised statutes, until he shall have been imprisoned four months. And if any clerk, servant, agent, or other person in the employment or on the premises of another, shall violate the provisions of this section, he shall be held equally guilty with the principal, and on conviction shall suffer the same penalty.

Sect. 5. Any forfeiture or penalty arising under the above section may be recovered by any action of debt, or by complaint before any justice of the peace, or judge of any municipal or police court, in the county where the offence was committed. And the forfeiture so recovered shall go to the town where the convicted party resides, for the use of the poor; and the prosecutor or complainant may be admitted as a witness in the trial. And if any one of the selectmen, or board of mayor and aldermen shall approve of the commencement of any such suit, by endorsing his name on the writ, the defendant shall in no event recover any costs; and in all actions of debt arising under this section, the fines and forfeitures suffered by the defendant shall be the same as if the actions had been by complaint. And it shall be the duty of the mayor and aldermen of any city, and selectmen of any town, to commence an action in behalf of said town or city, against any person guilty of a violation of any of the provisions of this act, on being informed of the same, and being furnished with proof of the fact.

Sect. 6. If any person shall claim an appeal from a judgment rendered against him by any judge or justice on the trial of such action or complaint, he shall, before the appeal shall be allowed, recognise in the sum of 100 dollars, with two good and sufficient sureties, in every case so appealed, to prosecute his appeal, and to pay all costs, fines, and penalties that may be awarded against him, upon a final disposition of such suit or complaint. And before his appeal shall be allowed, he shall also, in every case, give a bond, with two other good and sufficient sureties, running to the town or city where the offence was committed, in the sum of 200 dollars, that he will not, during the pendency of such appeal, violate any of the provisions of this Act. And no recognisance or bond shall be taken in cases arising under this Act, except by the justice or judge before whom the trial was had; and the defendant shall be held to advance the jury fees in every case of appeal in an action of debt; and in the event of a final conviction before a jury, the defendant shall pay and suffer double the amount of fines, penalties, and imprisonment awarded against him by the justice or judge from whose judgment the appeal was made. The forfeiture for all bonds and recognisances given in pursuance of this Act, shall go to the town or city where the offence was committed, for the use of the poor; and if the recognisances and bonds mentioned in this section shall not be given, within 24 hours after the judgment, the appeal shall not be allowed; the defendant in the meantime to stand committed.

Sect. 7. The mayor and aldermen of any city, and the selectmen of any town, whenever complaint shall be made to them that a breach of the conditions of the bond given by any person appointed under this Act, has been committed, shall notify the person complained of; and if upon a hearing of the parties it shall appear that any breach has been committed, they shall revoke and make void his appointment. And whenever a breach of any bond given to the inhabitants of any city or town, in pursuance of any of the provisions of this Act, shall be made known to the mayor and aldermen, or selectmen, or shall in any manner come to their knowledge, they or some one of them shall, at the expense and for the use of said city or town, cause the bond to be put in suit in any court proper to try the same.

Sect. 8. No person shall be allowed to be a manufacturer of any spirituous or intoxicating liquor, or common seller thereof, without being duly appointed as aforesaid, on the pain of forfeiting, on the first conviction, the sum of 100 dollars and costs of prosecution, and in the default of the payment thereof, the person so convicted shall be imprisoned 60 days in the common jail; and on the second conviction, the person so convicted shall pay the sum of 200 dollars and costs of prosecution, and in default of payment, shall be imprisoned four months in the common gaol; and on the third and every subsequent conviction, shall pay the sum of 200 dollars, and shall be imprisoned four months in the common gaol of the county where the offence was committed; said penalties to be recovered before any court of competent jurisdiction, by indictment, or by action of debt, in the name of the city or town where the offence shall be committed. And whenever a default shall be had of any recognisance arising under this Act, *scire facias* shall be issued, returnable at the next term, and the same shall not be continued, unless for good cause, satisfactory to the court.

Sect. 9.

Sect. 9. No person engaged in the unlawful traffic in intoxicating liquors shall be competent to sit upon any jury in any case arising from this Act; and when information shall be communicated to the court that any member of any panel is engaged in such traffic, or that he is believed to be so engaged, the court shall inquire of the juryman of whom such belief is entertained, and no answer which he shall make shall be used against him in any case arising under this Act; but if he shall answer falsely, he shall be incapable of serving on any jury in this State; but he may decline to answer, in which case he shall be discharged by the court from all further attendance as a juryman.

Sect. 10. All cases arising under this Act, whether by action, indictment, or complaint, which shall come before a superior court, either by appeal or original entry, shall take precedence in said court of all other business, except those criminal cases in which the parties are actually under arrest awaiting a trial; and the court and the prosecuting officer shall not have authority to enter a *nolle prosequi*, or to grant a continuance in any case arising under this Act, either before or after the verdict, except where the purposes of justice shall require it.

Sect. 11. If any three persons, voters in the town or city where the complaint shall be made, shall, before any justice of the peace or judge of municipal or police court, make complaint under oath of affirmation, that they have reason to believe and do believe that spirituous or intoxicating liquors are kept or deposited, and intended for sale by any person not authorised to sell the same in said city or town under the provisions of this Act, in any store, shop, warehouse, or other building or place in said city or town, said justice or judge shall issue his warrant of search to any sheriff, city marshal, or deputy, or to any constable, who shall proceed to search the premises described in said warrant, and if any spirituous or intoxicating liquors are found therein, he shall seize the same, and convey them to some proper place of security, where he shall keep them until final action is had thereon. But no dwelling-house in which, or in part of which a shop is not kept, shall be searched, unless at least one of said complainants shall testify to some act of sale of intoxicating liquors therein by the occupant thereof, or by his consent or permission, within at least one month of the time of making said complaint. And the owner or keeper of said liquors, seized as aforesaid, if he shall be known to the officer seizing the same, shall be summoned forthwith before the justice or judge by whose warrant the liquors were seized, and if he fails to appear, or unless he can show by positive proof that said liquors were of foreign production, that they have been imported under the laws of the United States, and in accordance therewith; that they are contained in the original packages in which they were imported, and in quantities not less than the laws of the United States prescribe, they shall be declared forfeited, and shall be destroyed by authority of the written order to that effect of said justice or judge, and in his presence, or in the presence of some person appointed by him, to witness the destruction thereof, and who shall join with the officer by whom they shall have been destroyed in attesting that fact upon the back of the order by authority of which it was done; and the owner or keeper of such liquors shall pay a fine of 20 dollars and costs, or stand committed for 30 days in default of payment, if, in the opinion of the court, said liquors shall have been kept or deposited for the purposes of sale. And if the owner or possessor of any liquors seized in pursuance of this section, shall set up the claim that they have been regularly imported under the laws of the United States, and that they are contained in the original packages, the custom-house certificates of importation, and proofs of marks on the casks or packages corresponding thereto, shall not be received as evidence that the liquors contained in said packages are those actually imported therein.

Sect. 12. If the owner, keeper, or possessor of liquors seized under the provision of this Act, shall be unknown to the officer seizing the same, they shall not be condemned and destroyed until they shall have been advertised, with the number and description of the packages, as near as may be, for two weeks, by posting up a written description of the same in some public place, that if such liquors are actually the property of any city or town in the State, and were so at the time of the seizure, purchased for sale by the agent of said city, or town, for medicinal and mechanical purposes only, in pursuance of the provisions of this Act, they may not be destroyed; but upon satisfactory proof of such ownership, within said two weeks, before the justice or judge by whose authority said liquors were seized, said justice or judge shall deliver to the agent of said city, or town, an order to the officers having said liquors in custody, whereupon said officer shall deliver them to said agent, taking his receipt therefor upon the back of said order, which shall be returned to said justice or judge.

Sect. 13. If any person claiming any liquors seized as aforesaid, shall appeal from the judgment of any justice or judge by whose authority the seizure was made, to the district court, before his appeal shall be allowed, he shall give a bond in the sum of two hundred dollars, with two good and sufficient sureties, to prosecute his appeal, and to pay all fines and costs which may be awarded against him; and in the case of any such appeal, where the quantity of liquor so seized shall exceed five gallons, if the final decision shall be against the appellant, that such liquors were intended by him for sale, he shall be adjudged by the court a common seller of intoxicating liquors, and shall be subject to the penalties provided for in section 8 of this Act; and said liquors shall be destroyed as provided for in section 11. But nothing contained in this Act shall be construed to prevent any chemist, artist, or manufacturer, in whose art or trade they may be necessary, from keeping at his place of

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business such reasonable and proper quantity of distilled liquors as he may have occasion to use in his art or trade, but not for sale.

Sect. 14. It shall be the duty of any mayor, alderman, selectman, assessor, city marshal, or deputy, or constable, if he shall have information that any intoxicating liquors are kept or sold in any tent, shanty, hut, or place of any kind for selling refreshments in any public place, on or near the ground of any cattle show, agricultural exhibition, military muster, or public occasion of any kind, to search such suspected place, and if any such officer shall find upon the premises any intoxicating drinks, he shall seize them, and arrest the keeper or keepers of such place, and take them forthwith, or as soon as may be, before some justice or judge of a municipal or police court, with the liquors so found and seized; and upon proof that said liquors are intoxicating, that they were found in the possession of the accused in a tent, shanty, or other places as aforesaid, he or they shall be sentenced to imprisonment in the county gaol for thirty days, and the liquor so seized shall be destroyed by order of said justice or judge.

Sect. 15. If any person arrested under the preceding section, and sentenced as aforesaid, shall claim an appeal, before his appeal shall be allowed he shall give a bond in the sum of one hundred dollars, with two good and sufficient sureties, that he will prosecute his appeal, and pay all fines, costs, and penalties which may be awarded against him. And if on such appeal, the verdict of the jury shall be against him, he shall, in addition to the penalty awarded by the lower court, pay a fine of twenty dollars. In all cases of appeal under this Act from the judgment of a justice or judge of any municipal or police court, to the district court, except where the proceedings is by action of debt, they shall be conducted in said district court by the prosecuting officer of the government; and said officer shall be entitled to receive all costs taxable to the State, in all criminal proceedings under this Act, in addition to the salary allowed to such officer by law; but no costs in such cases shall be remitted or reduced by the prosecuting officer or the court. In any suit, complaint, indictment, or other proceeding against any person for a violation of any of the provisions of this Act, other than for the first offence, it shall not be requisite to set forth particularly the record of a former conviction, but it shall be sufficient to allege briefly that such person has been convicted of a violation of the fourth section of this Act, or as a common seller, as the case may be; and such allegation in any civil or criminal process in any stage of the proceedings, before final judgment, may be amended without terms, and as a matter of right.

Sect. 16. All payments or compensations for liquor sold in violation of law, whether in money, labour, or other property, either real or personal, shall be held and considered to have been received in violation of law, and without consideration, and against law, equity and a good conscience, and all sales, transfers and conveyances, mortgages, liens, attachments, pledges and securities of every kind, which either in whole or in part shall have been for or on account of spirituous or intoxicating liquors, shall be utterly null and void against all persons and in all cases, and no rights of any kind shall be acquired thereby; and in any action either at law or equity, touching such real or personal estate, the purchaser of such liquors may be a witness for either party. And no action of any kind shall be maintained in any court in this State, either in whole or in part, for intoxicating or spirituous liquors sold in any other State or country whatever, nor shall any action of any kind be had or maintained in any court in this State for the recovery or possession of intoxicating or spirituous liquors, or the value thereof.

Sect. 17. All the provisions of this Act relating to towns shall be applicable to cities and plantations; and those relating to selectmen shall also be applied to the mayor and aldermen of cities and assessors of plantations.

Sect. 18. The Act entitled "An Act to restrict the Sale of Intoxicating Drinks," approved 6 August 1846, is hereby repealed, except the 13 sections from section 10 to section 22 inclusive, saving or reserving all actions or other proceedings which are already commenced by authority of the same; and all other Acts and parts of Acts inconsistent with this Act are hereby repealed. This Act to take effect from and after its approval by the Governor.

(Approved, 2 June 1851.)

Appendix, No. 4.

Rev. *J. Clay*'s Statistics of Drink, and Committals.

From Mr. *Clay's* Report for 1846–7.

TABLE No. 26.

Intended to show the Weekly Expenditure in DRINK, as proportioned to the Weekly Wages of the whole 131 of the Artisans and Labourers employed by the same Master, distinguishing between Married and Single Men.

Per Centage of Earnings Spent in Drink.	Married or Single.	WEEKLY EARNINGS. 11 and under 15 *s.*	15 and under 20 *s.*	20 and under 30 *s.*	30 and under 40 *s.*	40 *s.*	TOTAL PERSONS. M.	S.
Nothing	Married	3	1	3	1	-	8	4
	Single	2	1	1	-	-		
Under 5 per cent.	Married	-	-	1	1	-	2	3
	Single	-	-	2	1	-		
5 per cent. and under 10	Married	-	2	6	5	-	13	4
	Single	-	-	3	1	-		
10 per cent. and under 15	Married	1	8	5	1	1	16	3
	Single	-	-	3	-	-		
15 per cent. and under 20	Married	-	-	6	2	-	8	7
	Single	1	1	4	1	-		
20 per cent. and under 25	Married	-	3	1	1	-	5	2
	Single	-	1	1	-	-		
25 per cent and under 30	Married	1	4	6	2	-	13	2
	Single	1	-	1	-	-		
30 per cent. and under 35	Married	-	4	3	2	-	9	4
	Single	-	1	-	3	-		
35 per cent. and under 40	Married	-	-	2	-	-	2	2
	Single	-	-	2	-	-		
40 per cent. and under 45	Married	-	2	-	1	-	3	8
	Single	-	1	6	1	-		
45 per cent. and under 50	Married	1	2	-	-	-	3	1
	Single	-	1	-	-	-		
50 per cent. and under 55	Married	-	-	-	1	-	1	—
	Single	-	-	-	-	-		
55 per cent. and under 60	Married	-	1	-	-	-	1	3
	Single	-	-	3	-	-		
60 per cent and under 65	Married	-	-	-	2	-	2	1
	Single	-	-	1	-	-		
75 per cent.	Married	-	-	-	-	-	-	1
	Single	-	-	-	-	1		
TOTAL	Married	6	27	33	19	1	86	45
	Single	4	6	27	7	1		

The gross weekly earnings of the 131 men amount to 154 *l.* 16 *s.*, and the aggregate of the sum weekly spent by them in liquor, is 34 *l.* 15 *s.*, or 22.4 per cent. of their wages. On the supposition that these wages and this expenditure continue nine months in the year, 39 weeks × 34 *l.* 15 *s.* = 1,355 *l.* But as the 131 include 12 who entirely abstain from liquor, each of the 119 drinkers expends annually 11 *l.* 7 *s.* 9 *d.* in the indulgence of his propensity.

It is necessary to state that I have the fullest reliance on the general accuracy of the data which have been supplied to me. My informant adds to the particulars furnished by him: "To arrive at the amount spent in drink by each individual, I had the statement for the greatest number in the list from the individuals themselves; and the rest I made as near a calculation as I could, according to the different circumstances; but in no case I consider I have over-rated. Out of the foregoing list there are not more that 12 attend a place of worship."

Appendix, No. 4.

COMMITTALS for Trial to the *Lancaster* Assizes, involving Charges of Violence against the Person; for the Year ending 15th May 1853.

No.	Initials.	Education and Intelligence.	On what Charge Committed.	Circumstances in which the Offence Originated.
1	R. N.	Grossly ignorant -	Stabbing his wife -	Drinking in a beerhouse.
2	M. W.	- - ditto - -	Wilful murder -	- - All the parties had been drinking together.
3	A. N.	- - ditto - -		
4	B. S.	Very ignorant -	Cutting and wounding	A beerhouse quarrel.
5	J. R.	Can read - -	Manslaughter -	- - ditto.
6	C. K.	Can read and write	- ditto - -	- - A native of Germany, attacked by a drunken beerhouse keeper, who fell in the struggle, and died in consequence. Sentence 14 days imprisonment.
7	J. H.	Very ignorant -	- ditto - -	- - An "up and down" fight, begun in a low public-house.
8	W. W.	Can read and write	Stabbing - -	A public-house quarrel.
9	P. R.	Grossly ignorant -	Malicious wounding	- - ditto.
10	J. P.	- - ditto - -	Manslaughter -	- - ditto.
11	J. C.	Can read and write	Cutting and wounding	- - ditto.
12	D. P.	Incredibly ignorant	Manslaughter -	- - A brutal fight, begun in a public-house.
13	W. G.	Very ignorant -	- ditto - -	A beerhouse fight.
14	J. G.	Untaught - -	- ditto - -	- - A child of 10 years old, employed in driving a cart, which ran over an infant. The child acquitted.
15	J. A.	Can read and write	- ditto - -	- - The prisoner, an old man, seems to have caused the death of another old man accidentally, while engaged in a trifling struggle with him.
16	J. W.	Very ignorant -	Wilful murder -	- - A case of very dark character, originating in drinking at a public-house.
17	J. P.	- - ditto - -	- ditto - -	- - The prisoner, after drinking the whole day at a public-house, returned home, and deliberately shot his wife as she was working in their garden.

LETTER from the Rev. *John Clay* to the Right Honourable *C. P. Villiers*, M.P., &c.

House of Correction, Preston,
25 July 1853.

Sir,

I BEG respectfully to submit to you, as chairman of the Committee on Ale and Beerhouse Licences, some particulars which I was unable to give in my evidence on the 1st instant, relative to the increase in beerhouses in Preston and Blackburn, during the last six years; as also to the increase of committals to this prison, from those towns, in the same period:—

RETURN of the Number of BEERHOUSES Licensed in *Preston* and *Blackburn* for each of the Six Years from 1848 to 1853 inclusive; and also of the Number of MALE OFFENDERS committed to this Prison, for Trial at the Sessions, and under Summary Convictions, from the same Towns, and for similar periods.

YEARS.	PRESTON.			BLACKBURN.		
	Beerhouse Licences granted in Years ending 31 Dec.	Committals, Years ending 30 June.		Beerhouse Licences granted in Years ending 31 Dec.	Committals, Years ending 30 June.	
		To the Sessions.	Under Summary Convictions.		To the Sessions.	Under Summary Convictions.
1848	177	13	51	165	13	58
1849	183	20	74	170	9	157
1850	188	34	105	176	27	191
1851	224	55	116	196	23	198
1852	272	57	112	197	20	170
1853	235*	72	129	198*	31	105

* The licences granted in 1853 are up to May 20. The number of licences for Preston was furnished to me by the Supervisor of Excise. Those for Blackburn I derive from the information of Mr. Edwin Sheppard, superintendent of the county police.

From 1840 to May 1852, the town of Blackburn was under the county police. At the latter period a borough police was established, the effect of the change being to reduce the number of constables by nearly one half. I am also informed, on sure authority, that "for some time previously to May 1852, the same magistrate had regularly attended the Court of Petty Session, and practised a uniform system of administering justice. Now, the magistrates change almost daily;" and a consequent want of uniform practice follows. These circumstances account for the decrease in summary convictions at Blackburn in 1852 and 1853.

The recent publication of the census for 1851 enables me to estimate the proportion of beer and alehouses to inhabitants in Preston and Blackburn. I therefore submit the following as relevant to the important inquiry in which your Honourable Committee is engaged:—

	Total Population in 1851.	Ale and Beerhouses.	Proportion to Persons.
Preston	69,542	424	1 to 164
Blackburn	46,536	325	1 to 143

	Total Male Population.		
Preston	32,918	,,	1 to 77
Blackburn	22,662	,,	1 to 69

Excluding from the male population, in respect to Preston, those under 20 years old, as having no proper business in ale and beerhouses (estimated, from the data in the census of 1841, at 16,300), and also excluding those who, from principle (members of temper-

Appendix, No. 4.

ance societies, &c., 2,100), or social position (gentry, superior tradesmen, &c., estimated at 2,500), do not or ought not to visit ale and beerhouses, there will remain as frequenters of such places,—

Preston - - - -	12,000	- - - - - -	1 to 28
Blackburn (on data similar to those of Preston) - -	8,270	- - - - - -	1 to 25

Where places for the sale of intoxicating liquor are so numerous in proportion to the population, the expenditure in them must constitute a heavy, though self-inflicted tax, weighing very injuriously on the social and domestic condition of those who subject themselves to it. It appears from the Return on a former page, that the committals to this prison, from the two principal towns of North Lancashire, have been regularly increasing during the last five years of labouring and manufacturing prosperity, and are commensurate with an increase in the number of beerhouses. The occupiers of beerhouses, and of low alehouses, as they become more numerous, are impelled, by rivalry for custom, to resort to means of attracting it which lead to worse practices than mere excess in drinking. The chief of these attractions, as I believe I have stated in my evidence, are, women, dancing, singing, gaming; and brutal sports, such as dog-fighting and cock-fighting. As illustrating the connexion between these demoralising attractions and criminal conduct in many who have been led astray by them, I beg to submit the following

SUMMARY of 84 Statements relating to Beerhouse Practices, made by Prisoners under Sentence of Transportation.

56	Statements	testify to	gaming of various kinds.
41	„	„	harbouring, &c. of prostitutes.
30	„	„	Sunday drinking.
23	„	„	the receiving of stolen goods.
22	„	„	the planning and effecting of robberies.
17	„	„	taking clothing in payment for drink.
15	„	„	dog-fighting, cock-fighting, &c. &c. &c.
14	„	„	deaths from violence or excess.
13	„	„	harbouring thieves and pickpockets.
10	„	„	the encouragement of poaching.
10	„	„	the keeping of dancing-rooms, &c.
6	„	„	their connexion with makers and utterers of base coin.

With reference to remedies for the evils under consideration, I would respectfully suggest, in addition to what I have already had the honour to submit, that drunkenness being more immoral in itself, and more injurious to society than most of the offences, such as begging, &c., punished under the Vagrant Act, it would be consistent with justice, and of advantage to the community, to make the penalties for drunkenness, and for permitting drunkenness, proportionally more severe than those for begging, &c. An examination of my prison "Character Book" shows that, during a given period, summary sentences for drunkenness and disorderly conduct arising from it, averaged, in each case, 21·2 days. In the same period, the sentences passed for begging were, on the average, 26·4 days in each case.

I have, &c.,
(signed) *John Clay*, Chaplain.

Appendix, No. 5.

Appendix, No. 5.

PAPER delivered in by *W. Partridge*, Esq.

STATISTICS of Brighton Licences and Convictions.

	Applications for Alehouse Licences.	Granted.
1850 - - - - - - - -	26	4
1851 - - - - - - - -	38	12
1852 - - - - - - - -	61	12
TOTAL - -		28

Licences Transferred.

1st July 1850 to 1st July 1851	28
1st July 1851 to 1st July 1852	22
1st July 1852 to 1st July 1853	34
TOTAL	84

No Licences suspended or Renewals refused during the Three Years.

Convictions against Publicans.

1850. Keeping House open during Divine Service	1
1851. Ditto ditto ditto	3
„ Refusing to admit Constable	1
TOTAL	5

Convictions against Beerhouse Keepers.

1st July 1850 to 1st July 1851.

Keeping house open during Divine Service	2
Refusing to admit Constable	1
Permitting gaming	1
Keeping house open after hours	10
TOTAL	14

1st July 1851 to 1st July 1852.

Keeping house open during Divine Service	3
Permitting gaming	1
Keeping house open after hours	20
TOTAL	24

1st July 1852 to 1st July 1853.

Keeping house open during Divine Service	10
Permitting gaming	2
Keeping house open after hours	8
TOTAL	20

Licensed Public-houses in Brighton	145
„ Beerhouses ditto	277
TOTAL	422

Appendix No. 6.

PAPER Delivered in by Captain *W. C. Harris*.

HANTS CONSTABULARY.

RETURN of the NUMBER of PUBLIC-HOUSES and BEERHOUSES in the County of *Hants*, with the Charges brought against them, and the Result of the Proceedings during the Year 1852.

DIVISIONS.	Acreage.	Population, 1841.	PUBLIC HOUSES.				BEER HOUSES.							
			Number Licensed.	Number Charged with being Disorderly, and the Result of the Proceedings against them.		Number of those Convicted; deprived of their Licences.	Number Licensed to Sell, to be Consumed on the Premises.	Number Licensed to Sell, to be Consumed off the Premises.	Number Charged with being Disorderly, and Open at Improper Times, and the Result of the Proceedings.		Number whose Licences were Suspended.	Number of Applications for Public-house Licences.	Number Granted,	Number Refused.	REMARKS.
				Convicted.	Discharged.				Convicted.	Discharged.					
Alton	60,410	13,094	45	-	-	-	13	5	—	—	—	—	—	—	
Andover	90,540	14,903	60	2	-	-	19	12	-	-	-	2	1	1	
Basingstoke	70,100	12,634	30	-	-	-	16	10	—	—	—	—	—	—	
Droxford	48,600	10,281	32	-	-	-	18	—	—	—	—	—	—	—	
Fareham	54,640	34,953	158	3	-	-	105	15	4	1	-	9	1	8	
Kingsclere	70,410	13,024	34	3	-	-	41	7	1	-	-	2	1	1	
New Forest	127,190	20,442	66	-	-	-	46	4	—	—	—	—	—	—	
Odiham	61,090	14,081	53	-	1	-	36	5	2	-	-	2	1	1	
Petersfield	64,720	11,277	39	-	-	-	13	7	—	—	—	—	—	—	
Ringwood	67,470	18,572	70	1	-	1	35	5	2	-	1	6	2	4	
Romsey	50,980	11,426	36	1	-	-	26	8	1	—	—	—	—	—	
Southampton	27,850	12,052	44	1	2	-	57	11	6	-	-	6	-	6	
Winchester	116,240	19,468	52	1	-	-	28	9	6	-	-	1	-	1	
Isle of Wight	86,730	38,692	134	3	-	-	73	4	4	-	-	9	5	4	
	996,970	244,899	853	15	3	1	526	102	26	1	1	37	11	26	

Will^m C. Harris,
Chief Constable of Hampshire.

Appendix, No. 7.

Forms (in *Westminster*) of Notice, &c. for Licence.

St. Margaret's Parish.

COPY of Notice posted on Door of Church and House, on Sundays 13th, 20th, and 27th February 1853; also served on Mr. *Horne*, Overseer, and on Mr. *Smith*, one of the Petty Constables of the said Parish, 24th February 1853. Appendix, No. 7.

To the Overseers of the Poor and the Constables of the Parish of *Saint Margaret, Westminster, in the County of Middlesex*, and to all whom it may concern.

I, (a) *John Hardy, retailer of beer*, now residing at *No. 24, Montpelier-place, Knightsbridge*, in the parish of *Saint Margaret, Westminster*, in the county of *Middlesex*, and for six months last past having resided at (b) *the same place*, do hereby give notice, that (c) it is my intention to apply at the *General Annual Licensing Meeting* to be holden at *the Sessions House, Westminster* on the *second* day of *March* next ensuing, for a licence to sell exciseable liquor by retail, to be drunk or consumed in the house or premises thereunto belonging, situate at (d) *and being No. 24, Montpelier-place, Knightsbridge aforesaid, and known by the sign of the Nelson, and which I hold on a lease for 70 years under Mr. Edward Exton, No. 26, Brompton-row, in the said county of Middlesex; and which I now occupy, and which have never been kept or used as an inn, alehouse, or victualling house, except for the sale of beer by retail,* and which I intend to keep as an inn, alehouse, or victualling house.

Given under my hand this *Fifth* day of *February* One thousand eight hundred and Fifty-*three*.

John Hardy.

N. B.—A copy of this notice to be served upon one of the overseers of the poor, and upon one of the constables or other peace officers of the parish in which is situate the house intended to be opened, and also to be affixed on the door of the house and of the church or chapel or other conspicuous place.

To the Overseers of the Poor, of the Parish of and to the Superintendent of Police of / High Constable of the Hundred of , in the County of

I, now residing at in the Parish of in the county of do hereby give notice, that I intend to apply at the General Annual Licensing Meeting for the Hundred of to be holden at in the parish of in the said hundred and county, on the day of next ensuing, for a licence to sell Exciseable Liquors by retail, to be drunk or consumed on the premises (to wit), spirits, wine, ale, &c., as the case may be, situated at in the parish of in the county aforesaid, and which I intend to keep as an alehouse, &c.; and I do declare that the following description is true: Application to magistrates for licence both by victuallers and beershop-keepers, to be reported on by police to magistrates.

1. Christian

(a) State the trade or occupation.

(b) If in more than one place, state the different places, together with the county or counties, as the case may be, and state the trade carried on or occupation followed during the whole of that time.

() If application is intended to be made to a special session, state the cause of such application in conformity to sect. 14 of the Act.

(d) Describe the house intended to be opened, specifying the situation of it, the person of whom rented, the present or late occupier, whether kept or used as an inn, alehouse or victualling house, within three years preceding; and if so, by whom and under what sign.

1. Christian and surname in full.

Parish constables; reside in the house; licence taken out in name of son, daughter, or brother.

2. Present residence, and other residences during preceding three years.

3. Occupations during three preceding years.

4. That he is not a gamekeeper, sheriff's officer, or constable.

5. That no person engaged in the above occupations has any interest in the business so to be carried on, or shall reside on the premises.

6. That during the three preceding years he has been engaged in the sale of exciseable liquors by retail, at in the parish of in the county of , and that during such period of three years, he has not been deprived of a licence to sell, &c. by any court of justice, &c.

7. Here to follow declaration that he will observe all the clauses in the present licence; viz., not permit gaming, drunkenness, &c.

In witness whereof I have, this day of

Signature.

Superintendents and overseers' receipts.

Received a copy of this notice from the within named this day of

Superintendent.

To Her Majesty's Justices of the Peace in and for the Hundred of in the County of

Superintendents' report to magistrates thereon.

I hereby certify, that I have carefully examined, and inquired into the particulars of the above application of of in this county, and find, &c.

Attached are the replies I received to my inquiries for the superintendent of police at and

Superintendent.

Service of notice.

Three copies of this notice to be made; one copy to be served on the overseers of the poor; one copy to be served on the superintendent of police for the division, and where no police force is established, on the high constable of the hundred.

Fee of 1 *s.* to pay expenses.

A fee of one shilling to be paid to constable, who, as well as the overseer, will sign receipt on the third copy to be retained by applicant.

The expense of providing necessary form and inquiry into this application, to be provided for out of this sum so obtained, any balance to be provided out of or paid into police fund.

Uniformity of notice.

All applications for licence to be made to police on this form, whether for beer only, or spirits.

Thus, the public having been protected by police inquiry, the application will be produced before the magistrates, who, if report is unfavourable, would act as a court of appeal and revision.

Magistrates to licence beerhouse, or act as court of appeal against superintendent's adverse report.

Should it be determined to give the licensing of beerhouses to magistrates, the usual proceeding would follow; or should it be deemed proper to leave the case as it is, every application having been inquired into, then those not disqualified would be forwarded by the clerk of the magistrates to the collector of Excise.

Licences for music, and hours fixed for closing.

Houses to be licensed for music, and hour fixed for closing.

Licence to act as check and proof against repeated breaches of licence.

All convictions to be indorsed on certificate by magistrates' clerk; and as convictions during three years imperil beer licence, the Excise to copy the convictions within the preceding years, on back of new licence, as such licence is annually granted.

Penalty for neglect, 5*l.*

Magistrates' clerks and officers of Excise compelled to indorse convictions.

Indorsement of conviction to be taken as *primâ facie* evidence. Penalties on second and third offence to be lowered, as being too high.

No conviction above 40*s.* known for beerhouses.

Two lists to be posted on church doors, for three Sundays, by police; one containing applicants for victualling licences, the other for selling beer on the premises, within the parish.

Appendix, No. 8.

PAPER furnished by *R. Tubbs*, Esq.:—Statistics of Applications for Spirit Licences, and Results, in the *Kensington* Division.

	WILLESDEN.					ACTON.					EALING.					CHISWICK.					HAMMERSMITH.					CHELSEA.					KENSINGTON.					FULHAM.				
	Renewal of Licences postponed to Adjournment Day.	Licences Refused to be Renewed.	Appeals against Refusals to Renew Licence.	Appeals against Refusals to Grant New Licence.	Result.	Renewal of Licences postponed to Adjournment Day.	Licences Refused to be Renewed.	Appeals against Refusals to Renew Licence.	Appeals against Refusals to Grant New Licence.	Result.	Renewal of Licences postponed to Adjournment Day.	Licences Refused to be Renewed.	Appeals against Refusals to Renew Licence.	Appeals against Refusals to Grant New Licence.	Result.	Renewal of Licences postponed to Adjournment Day.	Licences Refused to be Renewed.	Appeals against Refusals to Renew Licence.	Appeals against Refusals to Grant New Licence.	Result.	Renewal of Licences postponed to Adjournment Day.	Licences Refused to be Renewed.	Appeals against Refusals to Renew Licence.	Appeals against Refusals to Grant New Licence.	Result.	Renewal of Licences postponed to Adjournment Day.	Licences Refused to be Renewed.	Appeals against Refusals to Renew Licence.	Appeals against Refusals to Grant New Licence.	Result.	Renewal of Licences postponed to Adjournment Day.	Licences Refused to be Renewed.	Appeals against Refusals to Renew Licence.	Appeals against Refusals to Grant New Licence.	Result.
1844	-	-	-	-	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
1845	-	-	-	-	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-	-	-	-	-	-	-	-	-	-	-	-
1846	-	-	-	-	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-	-	1	refused	1	-	1	-	granted	-	-	-	-	-	-	-	-	-
1847	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	2	-	-	-	-	2	-	-	1	-	-	-	-	-
1848	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-	-	-	-	1	-	-	-	-	1	-	-	-	-	1	-	-	-
1849	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
1850	-	-	-	-	-	-	-	-	-	-	2	-	-	-	-	-	-	-	-	-	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
1851	-	-	-	-	-	-	-	-	-	-	2	-	-	-	-	1	-	-	-	-	4	-	-	-	-	2	-	-	-	-	1	-	-	1	refused	-	-	-	-
1852	1	-	-	-	-	1	-	-	-	-	-	-	-	-	-	1	-	-	-	-	7	-	-	-	-	1	-	-	-	-	2	-	-	1	-	-	-	-	-
1853	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-	-	-	-	1	-	-	-	-	1	-	-	-	-	-	-	-	1	granted.	-	-	-	-

STATISTICS of Applications for Spirit Licences, and Results, in the *Kensington* Division—*continued.*

	Rental Michaelmas, 1852.	Population, 1851.	HOUSES LICENSED 1853.	1852.	1851.	1850.	1849.	1848.	1847.	1846.	1845.	1844.
	£.											
Willesden	26,592	2,961	10	10	10	10	10	10	10	10	10	10
Acton	15,736	2,582	11	10	10	10	10	10	10	10	10	10
Ealing	42,588	9,828	38	38	37	36	36	35	36	36	36	36
Chiswick	22,624	6,293	24	24	24	24	24	23	23	23	23	23
Hammersmith	60,976	17,763	55	56	56	54	53	53	51	46	46	46
Chelsea	169,320	56,543	83	80	80	80	80	80	79	79	74	71
Kensington	187,624	44,046	81	76	73	70	68	68	67	61	61	58
Fulham	43,668	11,885	29	28	28	28	28	28	28	28	27	26
TOTALS	569,128	151,901	331	322	318	312	309	307 *	304	293	287	280

* The licence of the Old Hat, at Ealing, was not renewed in 1848, but was re-licensed in 1849.

	1853.		1852.		1851.		1850.		1849.		1848.		1847.		1846.		1845.		1844.	
	Applications for Licences.	Granted.	Applications for Licences.	Granted.	Applications for Licences.	Granted.	Applications for Licences.	Granted.	Applications for Licences.	Granted.	Applications for Licences.	Granted.	Applications for Licences.	Granted.	Applications for Licences.	Granted.	Applications for Licences.	Granted.	Applications for Licences.	Granted.
Willesden	1	–	–	–	–	–	1	–	–	–	–	–	–	–	–	–	–	–	–	–
Acton	1	1	2	–	1	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Ealing	1	1	2	1	2	1	4	–	3	–	–	–	–	–	–	–	–	–	–	–
Chiswick	1	–	1	–	1	–	1	–	2	1	2	–	–	–	–	–	–	–	–	–
Hammersmith	9	–	10	–	12	2	11	1	10	–	11	2	12	5	10	–	5	–	4	–
Chelsea	15	3	9	–	12	3	9	–	7	–	11	1	8	–	12	4	16	3	10	–
Kensington	15	5	7	3	9	–	6	2	4	–	6	1	11	6	7	1	9	3	5	–
Fulham	8	2	5	–	3	–	4	–	2	–	3	–	1	–	2	1	2	1	2	–
TOTALS	50	12 †	36	4	40	6	36	3	28	1	33	4	32	11	31	6	32	7	21	–

A considerable majority of the applicants were licensed retailers of beer.

† The Licence of the Notting Barns Tavern was not renewed until 1853; it remained unlicensed during the year 1852; and the Licence of the Old Hat, at Ealing, and the Royal Oak, at Hammersmith, were not renewed at the Annual Licensing Meeting in 1853. The reason the above were not licensed was, that the parties did not apply.

STATISTICS—*Kensington* Division—*continued.* Appendix, No. 8.

	1844.	1845.	1846.	1847.	1848.	1849.	1850.	1851.	1852.	1853.
Willesden	4	2	- -	- -	- -	- -	2	1	—	—
	- -	- -	- -	- -	- -	- -	- -	(1)	(1)	(1)
Acton	1	- -	- -	- -	2	1	2	—	—	—
	- -	(1)	(1)	- -	- -	- -	- -	(1)	(1)	—
Ealing	- -	- -	- -	- -	5	3	1	- -	- -	7
	- -	- -	(1)	(1)	(2)	- -	(5)	(4)	(2)	(1)
Chiswick	1	- -	- -	- -	3	3	5	- -	- -	4
	(2)	- -	- -	(3)	(1)	- -	- -	- -	(1)	(2)
Hammersmith	6	16	2	14	7	—	—	—	—	—
	- -	(1)	(2)	(1)	(3)	(2)	(4)	(8)	(11)	(2)
Chelsea	14	11	22	19	5	7	7	- -	14	14
	(1)	- -	(2)	(3)	- -	- -	(1)	(1)	(2)	(1)
Kensington	(1)	(1)	(2)	(3)	(1)	- -	(2)	(4)	- -	(1)
Fulham	5	2	9	6	4	- -	9	- -	1	—
	(1)	(4)	(2)	- -	(5)	- -	- -	(3)	(5)	(1)

The plain figures show the number of convictions made by the divisional magistrates under the Weight and Measures Act; and the figures between parentheses ( )* the convictions made by the police magistrates. The greater number of parties convicted by the police magistrates, was for trading during the hours of Divine service on Sundays; two for refusing to admit the police; and one for selling before one o'clock on Christmas-day. The others were for keeping their houses open after 12 o'clock on Saturday nights.

*Red, in orig.

Appendix, No. 9.

PAPERS delivered in by *N. Macdonald*, Esq.

FORMS of THEATRE, SALOON, MUSIC LICENSES, &c. Appendix, No. 9.

THEATRE LICENCE.

I DO hereby give leave and licence unto to have stage plays performed at during one year from the date hereof, Ash-Wednesday and Passion Week excepted, according to the Act of the 6 & 7 Vict. cap. 68, for regulating theatres.

This licence is granted upon the understanding that the above-named actual and responsible manager shall be subject to such rules and regulations as shall be made in regard to the said theatre, and that the Lord Chamberlain shall be enabled at any time to call upon the manager to produce a certificate as to the safety of the building, signed either by the district surveyor, or by some competent architect.

Given under my hand and seal this day of 18 , in the year of Her Majesty's reign.

Lord Chamberlain.

SALOON LICENCE.

I DO hereby give leave and licence unto to have stage plays performed at during one year from the date hereof, Ash-Wednesday and Passion Week excepted, according to the Act of the 6 & 7 Vict. cap. 68, for regulating theatres, provided that there be no smoking in the said saloon during the hours it is open for performances under the authority of this licence, and that refreshments are supplied only during the intervals between the performances, as at the theatres, and that there

Appendix, No. 9.

there be no tables or stands to place refreshments upon in the saloon, and the said saloon shall not open for such performances on any day whatever before the hour of five in the afternoon.

This licence is granted upon the understanding that the above-named actual and responsible manager shall be subject to such rules and regulations as shall be made in regard to the said saloon, and that the Lord Chamberlain shall be enabled at any time to call upon the manager to produce a certificate as to the safety of the building, signed either by the district surveyor, or by some competent architect.

Given under my hand and seal this day of 18 , in the year of Her Majesty's reign.

Lord Chamberlain.

FORM OF BOND FOR THEATRE AND SALOONS.

35/ Stamp.

KNOW all men by these presents, that we,

[*Mem.*

Each manager of a theatre is bound himself in the sum of 300*l.*, and two sureties of 50*l.* each.

Each manager of a saloon is bound himself in the sum of 200*l.*, and two sureties of 50*l.* each.]

Lord Chamberlain of Her Majesty's Household, in the several sums of money following, that is to say, the said in the sum of hundred pounds of lawful money of Great Britain; the said in the sum of fifty pounds of like lawful money; and the said in the sum of fifty pounds of like lawful money, such sums to be respectively paid to the said or his attorney, executors, administrators or assigns, for which several payments so to be well and truly made by us respectively, We bind ourselves respectively, and our respective heirs, executors, and administrators, firmly by these presents, sealed with our seals.

Dated this day of in the year of our Lord 184

Whereas under or by virtue of a certain Act of Parliament made and passed in the 6th and 7th years of the reign of Queen Victoria, intituled, "An Act for regulating Theatres," the Lord Chamberlain of Her Majesty's Household for the time being is empowered to grant licences for theatres within the limits therein mentioned, and is also given certain jurisdiction over such theatres, and the performances therein. And the manager for the time being of any such theatre is thereby required to do, or abstain from doing, certain acts therein specified, and other provisions are therein contained for carrying into effect the purposes of the said Act, and certain penalties to be awarded, recovered and paid, together with costs, as therein mentioned, are thereby imposed for the breach of any of the requisitions or provisions of the said Act. And it is thereby, amongst other things, enacted, that no such licence for a theatre shall be granted by the Lord Chamberlain to any person except the actual and responsible manager for the time being of the theatre, in respect of which the licence shall be granted. And such manager shall become bound himself in such penal sum as the Lord Chamberlain shall require, being in no case more than 500*l.*, and two sufficient sureties, to be approved by the said Lord Chamberlain, each in such penal sum as the Lord Chamberlain shall require, being in no case more than 100*l.*; for the due observance of the rules which shall be in force at any time during the currency of the licence for the regulation of such theatre, and for securing payment of the penalties which such manager may be adjudged to pay for breach of the said rules, or any of the provisions of the said Act. And whereas the above named as such Lord Chamberlain for the time being, hath granted a licence to the above bounden as the actual and responsible manager for the time being of the called situate within the limits of the said Lord Chamberlain's jurisdiction, under the said recited Act, for keeping open such from the day of until the day of according to the provisions of the said Act.

And whereas, pursuant to the provisions in that behalf contained in the said recited Act, the said as such Lord Chamberlain, hath required that the above written bond or obligation shall be entered into and executed, and he has approved of the above bounden as sufficient sureties to join therein with the said

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Now the condition of the above written bond or obligation is, that if the said do and shall from time to time, and at all times during the continuance or currency of the licence so granted to him for keeping open the called as aforesaid, duly and regularly observe, perform, and obey all and every

every the rules or regulations which now are, or at any time or times during the continuance or currency of such licence shall be enjoined or imposed by the Lord Chamberlain of Her Majesty's Household for the time being, or otherwise in existence or force for the regulation of such and also do, and shall well and truly pay, or cause to be paid, all and every the penalties or sums or sum of money which he the said shall be at any time or times hereafter awarded or adjudged to pay, for or on account of the breach or non-performance of all or any of such rules or regulations, or all or any of the provisions of the said recited Act of Parliament for regulating Theatres, according to any such award or judgment, together with the costs attending the same, Then and in such case the above written bond or obligation to be void, but otherwise to be and remain in full force.

Signed, sealed, and delivered in the presence of

FORM OF LICENCE FOR THE PERFORMANCE OF ANY PLAY, FARCE, &c.

IT having been represented to me by the Examiner of all Theatrical Entertainments that a

does not in its general tendency contain anything immoral, or otherwise improper for the stage, I, the Lord Chamberlain of Her Majesty's Household, do, by virtue of my office, and in pursuance of the Act of Parliament in that case provided, allow the performance of the said at your , with the exception of all words and passages which are specified by the Examiner in the endorsement of this licence, and without any further variations whatsoever.

To the Manager of the

A LIST of all THEATRES and SALOONS licensed by the Lord Chamberlain.

Name of Theatre or Saloon.	*In what Parish situate.*	*Duration of Licence.*
Haymarket Theatre	St. Martin's in the Fields	To the 28th Sept. 1853.
Adelphi ditto	ditto	ditto.
Olympic ditto	St. Clement Danes	ditto.
Princess's ditto	St. Marylebone	ditto.
Strand ditto	St. Clement Danes	ditto.
Surrey ditto	St. George the Martyr	ditto.
Queen's ditto	St. Pancras, Middlesex	ditto.
Soho ditto	St. Anne, Soho	ditto.
City of London ditto	Liberty of Norton Folgate	ditto.
Marylebone ditto	St. Marylebone	ditto.
Standard ditto	St. Leonard, Shoreditch	ditto.
Pavilion ditto	St. Mary, Whitechapel	ditto.
Victoria ditto	St. Mary, Lambeth	ditto.
Sadler's Wells ditto	St. James, Clerkenwell	ditto.
St. James's ditto	St. James, Westminster	ditto.
Lyceum ditto	St. Mary-le-Strand	ditto.
Astley's ditto	St. Mary, Lambeth	ditto.
Brighton ditto	In the borough of Brighton	ditto.
Windsor ditto	In the borough of Windsor	ditto.
Her Majesty's ditto	St. James's, Westminster	Not licensed this year.
Grecian Saloon	St. Leonard, Shoreditch	To the 28th Sept. 1853.
Britannia ditto	ditto	ditto.
Albert ditto	ditto	ditto.
Bower ditto	St. Mary, Lambeth	ditto.
Earl of Effingham ditto	St. Mary, Whitechapel	ditto.

Appendix, No. 10.

Appendix, No. 10.

PAPER delivered in by Mr. Serjeant *Adams*.

A LETTER to the Justices of the Peace of the County of Middlesex, on the subject of LICENCES for PUBLIC MUSIC and DANCING, 25 Geo. 2. cap. 36. By *John Adams*, Serjeant-at-Law, and Assistant Judge of the Middlesex Court of Quarter Sessions.

My Lords and Gentlemen,

THE unprecedented number of applications for Dancing and Music Licences at the last Michaelmas Quarter Sessions, and the indictments which have been preferred against some of the unlicensed houses, have directed a large share of the public attention to the state of the law by which they are regulated. It is, I fear, my misfortune to differ in opinion upon this subject from a large portion of my brother magistrates, for whose judgments I entertain the most sincere respect. I am anxious that my opinions, whether founded in truth or error, should not be misunderstood, and I trust, therefore, I shall stand excused for thus bringing them before your notice. I have too often trespassed upon your kind consideration not to feel assured that I shall receive a friendly hearing; and I have the fullest confidence that you will believe me to be actuated by the same motives only by which you are yourselves guided, namely, an earnest desire honestly to perform an important public duty, and an anxious wish to promote the cause of morality and social order. The subject is a most important one, and cannot be injured by discussion. We may differ in opinion as to the best mode of obtaining our ends, but there can be no difference of opinion as to the ends themselves.

The statute to which this inquiry refers, and which was passed in the year 1752, owes its origin to a pamphlet published by the celebrated Henry Fielding in the preceding year, entitled, "An Enquiry into the Causes of the late Increase of Robbers," &c. The writer imputes this increase generally to the increase of luxury, which he considers to be among the great "a moral rather than a political evil," and only to require legislative interference when it descends downward to the tradesman, the mechanic, and the labourer; and amongst the matters which he specifically enumerates as the causes of the increase, he brings prominently forward the "too frequent and expensive diversions among the lower orders of the people."

Some of the arguments by which he supports his plea for legislative interference in the amusements of the lower orders are curious, and strongly demonstrative both of the broad line which then existed between the different ranks of society, and of the profligacy and frivolity of the age in which he wrote.

"In free countries at least (says our author), it is a branch of liberty claimed by the people to be as wicked and profligate as their superiors. But while I am recommending some restraint of this march of luxury (namely, public entertainments), I would be understood to aim at the retrenchment only, not at the extirpation of diversion; nay, and in this restraint I confine myself wholly to the lower orders of people. Pleasure hath been, and always will be, the principal business of persons of fashion and fortune, and more especially of the ladies, for whom I have infinitely too great an honour and respect to rob them of any their least amusement. Let them have their plays, operas, and oratorios; their masquerades and ridottos; their assemblies, dances, routs, riots, and hurricanes; their Ranelagh and Vauxhall; their Bath, Tunbridge, Bristol, Scarborough, and Cheltenham; and let them have their beaus and danglers to attend them at all these; it is the only use for which such beaus are fit, and I have seen in the course of my life that it is the only one to which, by sensible women, they are applied. Such places of pleasure, therefore, as are totally set apart for the use of the great world, I meddle not with. And although Ranelagh and Vauxhall, by reason of their price, are not entirely appropriated to the people of fashion, yet they are seldom frequented by any below the middle rank; and a strict regard to decency is preserved in them both. But surely two such places are sufficient to contain all those who have any title to spend their time in this idle, though otherwise innocent way. Nor should such a fashion be allowed to spread into every village round London, and by degrees all over the kingdom, by which means not only idleness, but all kinds of immorality would be encouraged."

Many more extracts could be made of a similar character, but these will suffice to show that the right of legislative interference with the amusements of the lower classes is claimed by

by the author, on the notion that pleasure is the true occupation of the great, and labour the duty of the remainder of mankind, and that the vices of the higher classes bring no mischiefs to the state, and therefore are not to be interfered with, but that the vices of the middle and lower classes do produce political mischiefs, and therefore are the proper subjects of legislative enactments.

"When (says the author) this vice (luxury) descends downward to the tradesman, the mechanic, and the labourer, it is certain to engender many political mischiefs, and amongst the rest it is most evidently the parent of theft and robbery, to which not only the motive of want, but of shame conduces; for there is no greater degree of shame than the tradesman generally feels at the first inability to make his regular payments, nor is there any difficulty which he would not undergo to avoid it. Here, then, the highway promises, and hath, I doubt not, often given relief. Nay, I remember very lately a highwayman who confessed several robberies before me, his motive to which, he assured me (and so it appeared), was to pay a bill that was shortly to become due. In this case, therefore, the public becomes interested, and consequently the Legislature is obliged to interpose."

The author then goes on to state that, besides the "great scenes of rendezvous, where the nobleman and his tailor, the lady of quality and her tirewoman, meet together and form one common assembly," an immense variety of places in London and its neighbourhood "have been set apart for the amusement of the lowest order of the people," and "are carried on, not on a single day, or in a single week, but all of them during half, and some during the whole year."

The statute, as has been already observed, was the fruit of this essay, and it is precisely of the crude and unsatisfactory character which hasty legislation upon such imperfect data, and which seem to be thrown out rather in the spirit of playful irony than statesman-like gravity, would naturally produce.

It is entitled "An Act for the better preventing Thefts and Robberies, and for Regulating Places of Public Entertainment, and Punishing Persons keeping disorderly Houses."

The first clause recites, in accordance with another statement in the essay, "that the advertising a reward, with no questions asked, for the return of things which have been lost or stolen, is one great cause and encouragement of thefts and robberies," and prohibits, under penalties, the issuing of any such advertisements.

The second section then proceeds to recite "that the multitude of places of entertainment for the lower sort of people is another great cause of thefts and robberies, as they are thereby tempted to spend their small substance in riotous pleasures, and in consequence are put on unlawful methods of supplying their costs, and renewing their pleasures," and enacts that, "in order to prevent the said temptation to thefts and robberies, and to correct, as far as may be, the habit of idleness which is become too general over the whole kingdom, and is productive of much mischief," no house, room, garden, or other place shall be kept for public dancing, music, or other public entertainment of the like kind, within the cities of London or Westminster, or within 20 miles thereof, without a licence from the justices assembled at the Michaelmas Quarter Sessions, under a penalty of 100*l.*, and that all houses or places which shall be so kept or used without such licence shall be deemed to be disorderly houses or places, and punishable accordingly; and power is given to any constable or other person, being thereunto authorised by a justice's warrant, to enter into such house or place, and seize every person who shall be found therein, to be dealt with according to law.* The third section provides, that all persons so licensed, shall place an inscription in large capital letters in some notorious place over the entrance of every such house, &c., and shall not open such house for any of the purposes of the Act before the hour of five in the afternoon; and, that upon breach of either of these conditions, the licence shall be forfeited and not renewed, and that no new licence shall ever thereafter be granted to the persons so offending; and the fourth section exempts from the operation of the Act the two great theatres and the opera house, and "all such performances and public entertainments as shall be lawfully carried on by virtue of letters patent, or licence of the Crown, or the Lord Chamberlain."

It is impossible, independently of the materials furnished by the Essay of Fielding and the provisions of the statute itself, to take the most cursory view of the morals, the habits, or the pursuits of the period when it was passed, without arriving at the conclusion that it was framed to meet the exigencies of a state of society differing widely in character and conduct from that of the present day. The higher classes seem to have been chiefly occupied in idle and frivolous pleasures. The powerful body of substantial and thinking men who now form the middle classes of society had then no political existence, whilst the lower classes were wholly uneducated, and owning no enjoyments but of the most sensual kind. The old English sports and pastimes, the recreations of our sturdy ancestors, had gone out of date, and had not been replaced by the cultivated and intellectual pursuits of the present age. The taste for music (except amongst the higher classes) was at the lowest ebb; Mechanics' Institutes and schools of science for the tradesman and artisan were

* This provision is repealed by statute 5 Geo. 4, c. 83, s. 1.

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were unknown; our gaols were seminaries of vice and profligacy;* our justices themselves were not above suspicion;† whilst our municipal regulations were disgracefully defective.‡ Until a few years before the passing of the Act in question, no licence was required for the sale of spirituous liquors, which were even carried about in wheelbarrows, and retailed openly in sheds and stalls in the public streets;§ and the provisions for the licensing of public-houses were of the loosest and most inefficient character. In a word, the metropolis was then drinking the last dregs of the intoxicating draught of licentious wit and unblushing profligacy, which succeeded the reign of Puritanism and Hypocrisy, and of which the bitter dregs only then remained.

It is doubtful whether a statute so hastily and imperfectly framed, and so meagre and destitute of powers, could at any time have been made available for practical purposes; and the records of the Court of Quarter Sessions, as far as they go, favour this opinion. But the question I would now consider is, not whether this statute was adapted to the wants and exigencies of the year 1752, but whether it is adapted to the wants and exigencies of the year 1850? and the true way of looking at this question is to treat it as *res integra*, and assume that a Bill containing the powers and provisions of the present statute was now for the first time under the consideration of the Legislature.

It is evident that it was not the intention of the framers of the statute to interfere with the amusements of the higher classes, and that the places they had in view were public gardens, and wells, as they were then termed, within the metropolis and its suburbs,—

"Where (to use the language of the Essay) the eyes were feasted with show, and the ears with music, and where gluttony and drunkenness were allured by every kind of dainty; nay, where the finest women were exposed to view, and where the meanest person who could dress himself clean might in some degree mix with his betters, and thus perhaps satisfy his vanity as well as his love of pleasure."

They neither contemplated the modern taste for musical entertainments, nor the effects of the modern system of licensing public-houses. But the Courts of Law know no distinction of persons, and have consequently determined that places of entertainment "for the lower sort of people" include places of entertainment for the noblest in the land; that, however excellent be the regulations of the proprietors of the houses, however unexceptionable the conduct of the visitors, or however innocent the nature of the amusements, they will not exempt them from the statutable charge of being a great cause of thefts and robberies,

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* Speaking of our houses of correction, Fielding says, "Whatever these houses were designed to be, or whatever they at first were, the fact is that they are at present, in general, no other than schools of vice, seminaries of idleness, and common sewers of nastiness and disease."

† In his introduction to his "Voyage to Lisbon," Fielding speaks thus of himself in connexion with his office as a police magistrate of that period:—"I will confess that my private affairs at the beginning of the winter had but a gloomy aspect, for I had not plundered the publick or the poor of those sums which men, who are always ready to plunder both as much as they can, have been pleased to suspect me of taking; on the contrary, by composing instead of inflaming the quarrels of porters and beggars (which I blush to say hath not been universally practised), and by refusing to take a shilling from a man who most undoubtedly could not have had another left, I had reduced an income of about 500*l.* a year of the dirtiest money upon earth to little more than 300*l.*;" and in a note to this passage he says, "A predecessor of mine used to boast that he made 1,000*l.* a year in his office; but how he did this (if indeed he did it) is to me a secret."

‡ Fielding tells us that the Duke of Newcastle (the Prime Minister) sent for him in 1752 "to discourse with him on the best plan which could be invented for putting an immediate end to those murders and robberies which were every day committed in the streets;" and that the principal arrangement made was, that 600*l.* should be deposited in his hands, to be distributed amongst fellows who undertook to betray the gang of villains and cut-throats into the hands of a set of thief-takers whom he had enlisted into the service, and that within a few days of the receipt of the money "the whole gang of cut-throats were entirely dispersed, seven of them were in actual custody, and the rest driven from out of the town, and others out of the kingdom." What a picture of the state of the police of the metropolis does this story present, and of the notions of municipal jurisprudence which then prevailed! Is it possible that any statute passed for the regulation of the amusements of the people in such a state of society, and with such notions of measures for improving it, can be applicable to the present age? These were the times when, as Fielding says, "many cart-loads of our fellow-creatures were once in six weeks (that is to say, after every Old Bailey sessions) carried to slaughter," and in which, in his story of Jonathan Wild, he represents the thief at the gallows amusing himself with picking the pocket of the ordinary of Newgate of a cork-screw.

§ The first Act for licensing the sale of spirits is 2d Geo. 2, c. 28 (1729), and four years afterwards, namely, in 1736, an Act was passed expressly prohibiting the hawking and selling of spirits about the streets in wheelbarrows, or in any sheds, bulks, or stalls. The statute also suppresses all brandy-shops, as they were termed, and prohibits the sale of spirits by distillers or other persons not being licensed publicans. There are no less than 12 statutes of the reign of George the Second relating to the licensing of ale and spirit houses, independently of those which relate to gaming and disorderly houses, and the provisions of these statutes painfully show the low and debased state of the public mind at that time. Hogarth's celebrated engraving of 'Gin Lane' was published in 1751, and no doubt assisted the efforts of Fielding. It was scarcely a caricature of the state of some of the purlieus of the metropolis at that period.

robberies, and that any dancing or music in a public-house (unless in a private room therein) will, if occasionally repeated, bring the owner within the penalties of the statute.

The Bill, therefore, would prohibit all morning concerts, and all other entertainments of a like description, within the cities of London and Westminster, or 20 miles thereof (other than subscriptions concerts), under the penalty of 100 *l.* if the place used for such concerts was an unlicensed place, and the forfeiture of the licence (never to be renewed) if the place was licensed; that is to say, it would, without any assignable motive, take not only from the metropolis, but from its aristocratic and wealthy suburbs, including Richmond, Twickenham, Greenwich, and other thriving and populous places, the privilege of enjoying an intellectual and innocent amusement, which is granted to Birmingham, Liverpool, Manchester, and every other town and village in the United Kingdom.

Such is the present state of the law, that if the trustees of Exeter Hall should permit the oratorio of the Messiah to be once performed in their splendid building before the hour of five in the afternoon, their licence would be forfeited, and the Hall must be for ever closed as a place of public entertainment; and if the proprietors of Wills's Rooms should allow a few concerts for charitable purposes to be holden there in one season, without the machinery of ladies patronesses and committees, it would be at the hazard of paying a penalty of 100 *l.* for every entertainment. Nay, it may be doubted whether the kind-hearted owner of any mansion within the proscribed district who should too frequently permit fancy fairs or charitable bazaars to be held within his grounds, would not be liable to fine and imprisonment, as the keeper of a disorderly house, provided bands of music were stationed in his park, and his high-born visitors indulged in polkas and quadrilles; for the Courts of Law have decided not only that the character of the visitors is immaterial, but that it is not necessary that money should be taken at the door, or that the place should be used solely or principally for public entertainments.*

It would also further enact that no keeper of any hotel, tavern, or other public house within the same district should enjoy the privilege of having a pianoforte or other musical instrument in any public room upon his premises, or of calling in any passing banjo player, or other instrumental performer, for the amusement of the guests, without a special licence for such privilege first had and obtained; and it would further enact that the justices should not possess the power of granting such privilege, unless it was accompained by a licence authorising the applicant to turn his house into a dancing room and a place for theatrical entertainments;† and that the temptations and dangerous powers thus forced upon the party should be unaccompanied by any provisions or securities for the proper government or conduct of the place; that the police should have no power to be present at the entertainments, or the justices any right to control them; and that the only offences for which the licence should be forfeited should be the holding an entertainment before five, P. M.; or in omitting to put in large characters over their door, "LICENSED PURSUANT TO ACT OF PARLIAMENT OF THE 13th & 14th OF QUEEN VICTORIA."‡

Could such a preposterous and absurd Act of Parliament ever reach a second reading? And yet this is a faithful detail of the existing law, as expounded by the judges of the land.

We do not possess any accurate means of ascertaining how the statute operated at the time of its enactment; but from the records of the sessions it appears that the only licensed places for the first 40 years were Sadler's Wells, Ranelagh (discontinued in 1805), the Marylebone Tea-gardens (discontinued in 1774), the Bell at Edmonton, the place of amusement immortalised by John Gilpin (discontinued in 1781), its rival, the Angel (discontinued in 1802), Hampstead Long Rooms (discontinued in 1796), and the King's Head, Enfield, which continues licensed to the present time. In the year 1790, the Festino, or ancient concert-

* Some years ago the whole town was running after a German who played with his knuckles upon his chin, and a morning concert was held daily at the Egyptian Hall, at which he performed. There can be no doubt that the proprietor subjected himself to a daily penalty of 100 *l.*, and to fine and imprisonment, for keeping a disorderly house. About two years since there was an entertainment at the "Walhalla," called, "Poses Plastiques," where groups of figures in flesh-coloured dresses were exhibited on a rotatory stage, music playing during the whole exhibition. Without doubt this exhibition was within the penalties of the Act; and if so, I cannot, as a lawyer, distinguish it from the beautiful exhibition at the Colosseum, called the Cyclorama, which was a representation of passing views, representing the Earthquake at Lisbon, accompanied by a full band of music, and alternate light and darkness.

† A case was laid before Lord Campbell in October 1834 upon this point, and it was his opinion that a licence could not be given for music only, but that every licence must follow the words of the statute, and include "public dancing, music, and other public entertainment of the like kind." I confess that, looking to the words of the statute, which are in the disjunctive, viz., "any house kept for public dancing, music, or other public entertainment of the like kind," and to the powers of the justices, who are authorised "to grant such licences as they in their discretion shall think proper," I entertain myself considerable doubts whether a licence for public music only would not be a valid licence; but it would ill become me to act, or to advise my brother justices to act, in opposition to the opinion of a lawyer so able and experienced.

‡ These letters are of the same size as the letters in which this important provision is enunciated in statute 25 Geo. 2.

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concert-room, Hanover-square, obtained a licence, which was discontinued in 1805. In 1798, White Conduit House and Bagnigge Wells obtained licences, and the century closes with the grant of a licence to the Islington Spa, or New Tunbridge Wells, now the site of the Spafields Chapel. During the whole of this half century we find instances of 12 rejections only, namely, Bagnigge Wells, in 1772; the Castle Inn, Sunbury, in 1773; the Amphitheatrical Building, St. Pancras, and Astley's Royal Tent, Whitechapel, as also White Conduit House, in 1785; the Amphitheatre Mulberry Gardens, Mile-end, in 1788; the Lyceum Theatre, in 1795; the Rooms, Rolls Buildings, in 1797; the Adam and Eve Tea-gardens, in 1798; and the Shepherd and Shepherdess, City-road, and the Hoxton-square Tea-gardens, in 1799.

Now, taking into consideration the prevailing taste in the metropolis and its suburbs for spas and wells (some of which retain their names, though their occupations have long passed away) from the year 1750 to the close of the century, and the paucity of applications and rejections during that period, may it not fairly lead to a conclusion that the statute was at that time little thought of, and that matters continued much as they were before it was passed? the nature of the amusements and the conduct of the visitors improving with the general improvement in the morals and manners of the age.* But, however this may be, it is clear that up to the close of the last century no licences were granted to public houses which were not also places of public entertainment. From the year 1800 to 1828 the applications for new licences averaged one annually, and were of a similar character to the previous applications, except that the decision mentioned in the note below caused a greater number of applicants from the country districts, who kept houses of entertainment similar to the Bell and Angel at Edmonton. Of the 30 applications during those 28 years, 18 were from places in the country, and of the residue 8 were for theatres or concert-rooms, and the total number granted at the Michaelmas sessions of 1828 (exclusive of Sadler's Wells, the Lyceum, Adelphi, and Haymarket theatres) was 13, and of these the majority, namely, 7, were for places at a considerable distance from the metropolis. In that year it was decided, in the case of *Green* v. *Botheroyd*, 3 C. & P. 471, that the Act extended to licensed taverns and hotels, that any publican having a piano-forte was liable to a penalty, and that it was "no defence that the company frequenting the performances were respectable, or that the admission was not received for the immediate benefit of the house." And it is, I believe, owing to this decision, and to the increasing taste of the age for music, and not to an increase in vice and immorality (which the improvement in the habits and pursuits of every rank in society contradicts), that the present demand for licences exists. At the Michaelmas sessions, 1829, the new applications in consequence of that decision amounted to 16, all of which, with two exceptions, were from licensed victuallers, and 10 were applications for music only. The 16 were rejected, with one exception, which was granted for music only; but applications for new licences were, notwithstanding, yearly renewed, and increased so rapidly, that in the year 1839 the number of licences granted amounted to 75. From that period they have gradually diminished, and at the last Michaelmas Quarter Sessions stood at 61. At that sessions the justices witnessed the unprecedented number of 87 new applications, and, following the example of the bench in 1829, they rejected them all except two, one of which was granted under a stipulation that it should be used for music only. It crossed my mind, that as the increased number of applications in 1829 sprung from the fears of publicans, arising from the decision above cited,

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* Bagnigge Wells, as already stated, unsuccessfully petitioned for a music and dancing licence in 1772. That it was in full vigour three years after that period is clear from the following extract from the prologue to "Bon-Ton," first acted in 1775, and which commences with this line, "Fashion in everything bears sovereign sway."

> "'Ah! I loves life, and all the joys it yields,'
> Says Madame Fusseck, warm from Spitalfields;
> 'Bon-Ton's' the space 'twixt Saturday and Monday,
> And riding in a one-horse chair on Sunday;
> 'Tis drinking tea on Sunday afternoons
> At Bagnigge Wells, with china and gilt spoons.'"

This place of amusement had been open for many years previously to 1772, probably before the year 1752, but remained unlicensed until 1798. The records of the sessions relating to this case are curious. It appears that it was customary in 1772, and for many years previous, to have, in the large public or tea-room of these places of amusement, organs, "on which any person of decent appearance who had a fancy to play had the liberty for his own amusement, and also to walk in the garden without paying anything for the same," but who, doubtless, were professional performers. In 1772 the justices took exception to these organs, whereupon the proprietor of Bagnigge Wells, in compliance with their directions, stopped the playing thereof, "whereupon he greatly disobliged his customers, and thereupon, at the Michaelmas sessions, 1772, he applied for a music licence, which was rejected. Upon this defeat he and the proprietors of other tea-gardens take the opinion of eminent counsel, and, under their advice continue to use the organs in defiance of the justices until 1798, when a *qui tam* action is brought against the proprietor of the Adam and Eve tea-gardens for using his organ without a licence, and a penalty of 100 *l.* recovered. Upon this the proprietors of Bagnigge Wells and the Adam and Eve apply for licences, "in order that they may continue their organs to be played as heretofore." Bagnigge Wells succeeds in his petition by a majority of three, but the Adam and Eve fails by a majority of 14. The Adam and Eve tea-gardens were, however, continued as a place of public resort notwithstanding this defeat.

cited, it was probable that the present increase arose from some extrinsic cause, rather than a new and sudden demand for amusements of this character, especially as our prison returns show that crime is on the decrease; and, therefore, if the reasoning of the statute be true, the demand for music and dancing would be decreased also. I found, on inquiry, that informers were abroad; and it has been whispered, I know not how justly, that some of the parties who now enjoy the monopoly of immorality are unwilling that their neighbours should partake in it. But I also thought that the parties applying had probably already subjected themselves to penalties, and was anxious to ascertain if this was the fact, and if so, the effect produced by the determination of the bench to grant no additional licences. The Police Commissioners have kindly assisted me, and I find that of the 83 new applications, 21 only were applications from houses which were not opened before the application to the sessions, whilst 43 of the number were applications for the sole purpose of enabling the proprietors to have a piano-forte, or an occasional fiddler or singer, with the company. I find, moreover, that the number of houses open for "public dancing, music, and other public entertainments of a like kind," before the last Michaelmas Sessions, within the jurisdiction of the Middlesex bench, was 123 (being double the number of the licensed houses), and that they now amount to 124.

I have now traced the operation of the Act from its commencement to the present time, and I respectfully ask, what can be the utility of enactments which are thus openly and constantly violated? Assuming that in this vast metropolis there should be some control over its public amusements, and I am by no means prepared to contend that a well-considered control is not an useful and even valuable ingredient in our municipal economy, let the control be a rational one, and one that can be effectually enforced. I do not think any serious difficulty could exist in forming such a statute, and if asked what enactments I would myself propose, I would thus reply:

I would supersede the power of the justices to grant licences for public entertainments.* The regulation and management of the minor theatres has, by statute 6 & 7 Vict. c. 68, been judiciously vested in the Lord Chamberlain, and two jurisdictions are therefore not required. This alteration would at once put an end to the most mischievous of all the effects of granting licences to public-houses, namely, the theatrical saloons. I would remove the prohibition against morning amusements, which I think needless and even ridiculous. I would not make it compulsory upon the justices to grant licences for music and dancing, but authorise them to grant licences for both or either at their discretion. I would make it compulsory on them to grant licences for music to all housekeepers (not being licensed victuallers) with testimonials of character and securities for the good conduct of the house. I would prohibit them from granting licences for music and dancing to any licensed victualler within what may be termed the heart of the metropolis; that is to say, I would limit all such licences (when held in conjunction with ale and spirit licences) to public gardens and places in the suburbs; and I would give a discretionary power to grant music licences to all publicans, and music and dancing licences to all other householders within the prescribed district, which I would limit to a reasonable distance from the metropolis, say the district of the metropolitan boroughs. I would place all these licensed houses under the strictest surveillance and control of the police and justices, and establish penalties and forfeitures similar in character with those inflicted on offending publicans (and I would give the most ample powers to the police to enter into any unlicensed house and take the inmates into custody) and powers to the police magistrates of fine and imprisonment. These are the remedial measures which present themselves to my mind; but I doubt not they may be greatly improved by more experienced and practical men.

There remains yet another and most difficult question to be discussed, and upon which I feel it incumbent to say a few words, namely, as to the proper mode of administering the Act whilst it continues upon the statute book. Contrary opinions must exist upon this point, for the true question is how we are to administer an unadministrable Act. I have myself a strong conviction that it is impossible by any prohibitory enactments to check the growing demand for music and other amusements, more suitable to the character of the age than

* Upon a careful consideration of the 6th & 7th Vict. c. 68, it would seem to have effected, by indirect means, this most desirable change. It prohibits, under certain penalties, the performance of any "tragedy, comedy, farce, opera, burletta, interlude, melodrama, pantomime, or other entertainment of the stage or part thereof," without licence from the Lord Chamberlain, within the districts of the metropolitan boroughs, or the licence of two justices at a greater distance than 20 miles from London; and it is difficult to conceive any species of scenic representation which does not range within the above enumeration. But the statute 6 & 7 Vict. c. 68, does not in terms repeal, nor even refer to, the statute 25 Geo. 2, c. 36, under which the licences to the minor theatres had always been granted before the passing of the last Act, and under which I presume the entertainments at Vauxhall, the Cremorne, and the Surrey Zoological Gardens, and other similar places, are carried on. If the statute 6 & 7 Vict. c. 68, be a virtual repeal of that part of statute 25 Geo. 2, c. 36, which relates to "other public entertainments of the like kind," the proprietors of Vauxhall, &c., would require a licence from the Lord Chamberlain, and there could be no public gardens with scenic representations within the circle of 20 miles round London, not comprised within the districts of the metropolitan boroughs, which would close the Richmond and other theatres; but all these anomalies might be put right in a new statute.

Appendix, No. 10.

than mere drunkenness and low debauchery. Where there is a demand there will be a supply, and a statute which runs counter to the habits of a people can never be enforced. This maxim was strongly exemplified during the time of the late Game Laws, when game was openly bought and sold in every town in the kingdom, notwithstanding the severe penalties both upon buyer and seller; and the present state of the metropolis as regards music and dancing licences falls within the same category.

I do not myself impute the increased demand for these licences to increased depravity in the body politic, or an increased desire for low and vicious pursuits. The whole character of the age militates against the conclusion; and it seems to me impossible for any person who was an eye witness of the state of the metropolis at the beginning of the last half century, when no such demand existed) to doubt that a vast and beneficial change has taken place in the social, moral and religious habits of every class in society; and that the due discharge of every public and private duty has gone hand in hand with our intellectual improvement. I incline to think that the bench committed an error when, with a desire to remedy the inconveniences produced by the decision in Green *v.* Botheroyd, they granted licences to public-houses, not being places of public amusement; and that the saloons and places of similar character, which have sprung up in consequence, are amongst the worst evils of the present system; but I believe these evils to be increased by the monopoly which such houses enjoy. So long as unlicensed houses can be opened with impunity, that is to say, so long as the present enactments remain, licences for any good purposes are unavailing. The monopoly makes the monopoliser to a certain extent careless of the character of his house, and the unlicensed houses have the additional zest of unlawfulness and secrecy; and it may be a question whether an indiscriminate grant of licences to public-houses, or a total rejection of them,* might not be preferable to the present mixed state of monopoly, imbecility, and defiance.

But all this is mere debateable ground. The real remedy rests with the Legislature, and it is my earnest hope that some of the able and enlightened magistrates who bear an active part in the administration of justice within the metropolitan county may take the whole subject into their serious consideration, and if they could be formed into a committee and placed in communication with the Secretary of State for the Home Department, some new statute might be framed with provisions capable of being carried into execution, and adapted to the spirit and habits of the age.

I have, &c.

The Wood Lodge, Shooter's Hill,
16 February 1850.

John Adams.

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* I have no sympathy with the vested rights, as they are termed, of the licensed victuallers who possess music and dancing licences. Either the licences are limited by their possessors to such uses as fall within the ordinary and legitimate usages of public-houses, or they are used for purposes to which public-houses should not be converted. In the former case the publicans have no right to a monopoly which gives them an unfair advantage over the general trader; in the latter it is a meritorious act to deprive them of them. I am informed that a new species of public entertainment, called a Casino, which consists of music and dancing, has within the last two or three years become popular in the metropolis; that licences have been granted to some of these places, and refused to others; that there is no difference whatever, either in the style of the houses, the character of the entertainments, or the description of the company, in the licensed and unlicensed houses, all of which are open nightly for the reception of visitors. I am also further informed that the rooms, both licensed and unlicensed, are splendidly furnished, the music of a superior character, and the conduct of the visitors most decorous. I do not here enter into the question whether such places are or are not proper subjects for legislative or magisterial suppression, or of municipal regulation only, but I do not hesitate to say, I cannot understand the principle which licenses some and rejects others. The expenditure of capital for the encouragement of immorality appears to me to give no claim to the continuance of a licence to encourage it, and if the mere existence of these houses, independently of the mode in which they are conducted, is *contra bonos mores*, they ought to be suppressed altogether.

Appendix, No. 11.

PAPER delivered in by *Mr. James Mather*. Appendix, No. 11.

Proposed New Scale of Licences.

	Licence. £. s. d.
For a Town with a Population of under 50,000	10 10 –
,, ,, over 50,000 and under 100,000	11 11 –
,, ,, over 100,000 and under 200,000	12 12 –
,, ,, over 200,000 and under 300,000	13 13 –
,, ,, over 300,000 and under 400,000	14 14 –
,, ,, over 400,000 and upwards	15 15 –

To include Wine, Spirits, and Beer Licences on, or not on the Premises.

The House inhabited, for Licence—

In a Town of under 50,000 inhabitants, to be rated at - - 20*l.* per annum
When in a Town of under 100,000 but over 50,000, to be rated at 22*l.* per annum.
Over 100,000 but under 200,000, to be rated at or over - - 24*l.* per annum.
Over 200,000 but under 300,000, to be rated at or over - - 26*l.* per annum.
Over 300,000 but under 400,000, to be rated at or over - - 28*l.* per annum.
400,000 or upwards, to be rated at - - - - - 30*l.* a year, or upwards.

There are 670 licensed houses in the Boroughs of North and South Shields district, with the immediate adjoining districts, paying licences to the amouunt of about 1,900*l.*; if charged on the proposed plan, the amount would be upwards of 7,000*l.*; an increase of about 370 per cent.

The last return for 1850 gives—

Beer Licences for England and Wales, under 1 Will. 4, c. 64, and 4 & 5 Will. 4, c. 85 - - - - -

Appendix, No. 12.

PAPERS delivered in by Mr. Alderman *Wire*.

Appendix, No. 12.

STATISTICAL TABLES:—Consumption; Drunkenness; Licences; Distillation; Licences asked, granted, refused.

TABLE I.—Shows the Consumption of Spirits, Malt, Wine, &c., from 1836 to 1850 inclusive, with a Comparison of the Quantities used per Head at each Period.

TABLE I.

AN ACCOUNT of the Quantities of Foreign and British Spirits, Beer, Malt, and Wine respectively retained for Home Consumption in the United Kingdom, in each of the Fifteen Years ending 5th January 1850.

YEARS ending 5 January	Rum.	Other Foreign and Colonial Spirits.	British Spirits.	Beer.	Malt.	Wine.
	Galls.	*Galls.*	*Galls.*	*Barrs.*	*Bushs.*	*Galls.*
1836 - -	3,416,966	1,348,740	24,710,208	16,330,010	42,892,054	6,420,342
1837 - -	3,324,749	1,292,271	26,745,300	17,018,429	44,387,719	6,809,212
1838 - -	3,184,255	1,240,210	24,493,539	15,988,035	40,551,049	6,391,531
1839 - -	3,135,651	1,232,574	26,486,543	16,039,597	40,505,566	6,990,271
1840 - -	2,830,263	1,195,154	25,190,843	15,883,311	39,930,941	7,000,486
1841 - -	2,512,960	1,131,450	21,859,337	15,769,434	42,456,862	6,553,922
1842 - -	2,277,970	1,186,104	20,642,333	14,537,266	36,164,448	6,184,960
1843 - -	2,097,747	1,103,268	18,841,890	14,284,646	35,851,394	4,815,222
1844 - -	2,103,715	1,058,242	18,864,332	14,122,191	35,693,890	6,068,987
1845 - -	2,198,592	1,044,014	20,608,525	14,624,854	37,187,186	6,838,684
1846 - -	2,469,135	1,080,754	23,122,588	14,925,113	36,545,990	6,736,131
1847 - -	2,683,701	1,561,629	24,106,697	16,283,298	42,097,085	6,740,316
1848 - -	3,328,985	1,574,068	20,639,797	14,515,391	35,307,813	6,053,847
1849 - -	2,986,979	1,648,384	22,202,450	14,555,010	37,546,157	6,136,547
1850 - -	3,044,758	2,224,709	22,962,012	15,242,681	38,935,460	6,247,689
	*3,964,522	1,565,073	28,673,638	18,949,286	49,771,785	7,450,142

* The last line shows the quantities which would have been drank, if the population of 1850 had drank as much per head as the population of 1836, that is, taking into account the increase of population. The result may be thus stated. Had the population of 1849-50 drank of Spirits, Wine, and Beer the same quantities per head as the population of 1835-36 did, the increase in the consumption of these articles would have been 100,000,000 gallons, whereas there has been a decrease of 40,500,000 gallons; showing the actual difference, taking the increase of population into account, to be upwards of 140,500,000 gallons, or more than a fifth part of the entire quantity consumed in 1836.

The Beer Returns are calculated on the Quantities of Malt and Sugar used by Licensed Brewers.

The Statement may be put in another way: by comparing the Returns of 1836 with those of 1850, and, for sake of uniformity, giving the Beer Returns in Gallons instead of in Barrels. The Returns stand thus:—

	Gallons.	Gallons.
1850:		
Rum	3,964,522	
Foreign and Colonial Spirits	1,565,073	
British Spirits	28,673,638	
Beer	682,174,296	
Wine	7,450,142	
		723,827,671
1836:		
Rum	3,416,966	
Foreign and Colonial Spirits	1,348,740	
British Spirits	24,710,208	
Beer	587,880,360	
Wine	6,420,342	
		623,776,616
		100,051,055

This statement is made out on the supposition that the population had drank as much per head in 1850 as the population of 1836 did, which would show an increase in the consumption amounting to 100,051,055 gallons; instead of which, the following is the actual state of the case:—

	Gallons.	Gallons.
1836:		
Rum	3,416,966	
Foreign and Colonial Spirits	1,348,740	
British Spirits	24,710,208	
Beer	587,880,360	
Wine	6,420,342	
		623,776,616
1850:		
Rum	3,044,758	
Foreign and Colonial Spirits	2,224,709	
British Spirits	22,962,012	
Beer	548,772,516	
Wine	6,247,689	
		583,251,684
		40,524,932

Showing an actual decrease, although the population had increased considerably more than 4,000,000 of souls.

ppendix, No. 12.

'TABLE II.—Shows the Consumption of Spirits, Malt, and Wine, from 1821 to 1835, with a Comparison of the Quantities used per Head by the Population of 1821, 1835, and 1850.

TABLE II.

AN ACCOUNT of the Quantities of Foreign and British Spirits, Malt, and Wine respectively retained for Home Consumption in the United Kingdom, in each of the Fifteen Years ending January 1835.

YEARS ending 5 January	Rum.	Foreign Spirits.	British Spirits.	Malt.	Wine.	Beer.
	Galls.	*Galls.*	*Galls.*	*Bushs.*	*Galls.*	
1821 - - -	2,489,120	957,340	8,349,170	27,889,210	4,586,485	
1822 - - -	2,324,315	1,031,400	8,698,620	32,008,466	4,686,885	
1823 - - -	2,246,839	1,100,504	8,754,291	28,282,292	4,606,999	
1824 - - -	2,349,660	1,190,678	9,102,819	28,168,658	4,845,060	
1825 - - -	2,551,646	1,317,671	15,107,849	32,573,990	5,030,091	
1826 - - -	2,095,687	1,409,586	18,687,845	36,295,843	8,009,542	
1827 - - -	4,305,316	1,549,774	18,233,400	32,468,778	6,058,443	
1828 - - -	3,288,606	1,373,156	19,684,678	29,613,502	6,826,361	
1829 - - -	3,277,653	1,380,745	23,413,770	36,794,520	7,162,376	
1830 - - -	3,375,866	1,347,125	22,690,270	29,153,675	6,217,652	
1831 - - -	3,658,958	1,316,770	22,279,186	35,160,809	6,434,445	
1832 - - -	3,624,597	1,268,198	21,103,501	40,334,987	6,212,264	
1833 - - -	2,537,807	1,638,637	20,778,521	37,390,449	5,600,291	
1834 - - -	3,492,193	1,387,774	21,874,455	40,075,890	6,207,770	
1835 - - -	3,345,177	1,410,271	23,397,806	41,145,596	6,480,544	
	*3,902,706	1,645,316	27,297,443	42,392,432	7,560,634	
	†2,990,345	1,154,906	10,033,413	33,504,685	5,510,049	

The Beer Returns cannot be calculated for this period with accuracy.

* This line shows the quantity used in 1835, old measure. The new measure or Imperial measure for liquids (one-sixth more than the old measure) was adopted in 1826, and also the new dry measure has been adopted in all statements of comparative increase or decrease.

The increase of consumption then, when the one-sixth and one-thirty-third are added is 56·79 per cent. on Rum; 71·86 per cent. on Foreign Spirits; 52·00 per cent. on Malt; 226·94 per cent. on British Spirits, and 64·84 per cent. on Wine.

† This line shows the quantities that would have been drank had the population of 1835 drank no more per head than was consumed by the population of 1821.

The following is a STATEMENT of the Three Periods, 1821, 1835, 1850.

		1821.	1835.	1850.
Rum	gallons	2,489,120	3,902,706	3,592,217
Foreign Spirits	„	957,340	1,648,316	2,595,493
Wine	„	4,586,485	7,560,634	7,288,970
British Spirits	„	8,349,170	27,297,440	26,789,014
Malt	bushels	27,889,210	42,392,432	40,115,322
		44,271,325	82,798,528	80,381,016

Amount consumed in 1821	44,271,325
The population had increased one-fifth—due to increase	8,850,265
The quantities therefore which ought to have been consumed in 1835, had the population been as temperate as in 1821	53,125,590
The amount actually consumed was	82,798,528
Being an increase of	29,672,938
Considerably more than 50 per cent.	
Take again the amount consumed in 1835	82,798,528
Add one-fifth for increase of population for 1835 to 1850	16,559,705
The amount which would have been consumed in 1850, had the consumption been as great in that year per head as in 1835	99,358,233
The amount actually consumed was only	80,381,016
Making a decrease of	18,977,217
Or 19 per cent.	

The decrease was, on Rum, 45 per cent.; Foreign Spirits, 20 per cent.; Wine, 40 per cent.; British Spirits, 55 per cent., and on Malt, 35 per cent.

It appears therefore that the increase in the consumption of intoxicating liquors in the 15 years from 1821 to 1835 was 50 per cent. above the per-centum increase of population, and in the latter 15 years, from 1836 to 1850, the decrease was 19 per cent.

TABLE III.

A COMPARISON of Eight of the Largest Towns of England, Scotland, and Ireland, as to Cases of Drunkenness brought under the notice of the Police.

The Population in each case is taken from the Census Returns.

The Cases of Drunkenness, from the Parliamentary Paper, No. 541, and Ordered by the House of Commons to be Printed, 27 May 1853.

The Proportions are calculated approximately; the parties are not rendered.

The Number of Licensed Victuallers and Beerhouses are not given, as there are no published Returns, except in Collections.

NAME of TOWN.	Population.	Cases of Drunkenness, &c. &c.	Proportion to Population.	Inhabited Houses.	Licensed Houses.			Proportion to Inhabited Houses.
					Beerhouses.	Victuallers.	Total.	
England:								
Liverpool	376,065	18,522	1 in 20	54,310	—			
Manchester	316,213	787	1 in 401	53,204	1,312	481	1,793	1 in 30
Birmingham	232,841	867	1 in 268	45,844	—			
Leeds	172,270	321	1 in 536	36,165	—			
Bristol	137,328	496	1 in 277	20,873	—			
Sheffield	135,310	1,312	1 in 103	27,099	—			
London (City)	127,869	280	1 in 456	14,580	—			
Wolverhampton	119,748	770	1 in 155	22,284	—			
Greenwich	105,784	no return	- -	15,401	—			
Bradford (York)	103,778	109	1 in 952	19,002	—			
Scotland:								
Glasgow	329,097	14,870	1 in 22	11,965	—			
Edinburgh	160,302	2,793	1 in 57	7,786	—			
Dundee	78,931	2,931	1 in 26	5,040	—			
Aberdeen	71,973	1,760	1 in 41	5,839	—			
Paisley	47,920	712	1 in 67	2,643	—			
Greenock	36,689	1,299	1 in 28	1,714	—			
Leith	30,919	755	1 in 40	2,084	—			
Perth	23,835	509	1 in 46	1,991	—			
Ireland:								
Dublin	258,361	18,758	1 in 14	24,317	—			
Belfast	95,358	2,483	1 in 38	14,361	—			
Cork	85,745	8,158	1 in 10	10,510	—			
Limerick	53,448	1,030	1 in 50	6,432	—			
Waterford	25,297	1,105	1 in 22	3,957	—			
Galway	23,697	1,059	1 in 22	2,782	—			
Kilkenny	19,973	189	1 in 105	2,991	—			
Clonmel	17,889	1,353	1 in 13	2,074	—			
Sligo	14,519	99	1 in 146	2,344	—			
Metropolitan Police	2,399,004	16,986	1 in 141	259,949	—			

TABLE IV.

SUMMARY of the Number of PERSONS in the several Collections in the United Kingdom Licensed as "Brewers," "Victuallers," "To Sell Beer to be Drunk on the Premises," and "To Sell Beer not to be Drunk on the Premises."—For details, *see* Parliamentary Paper, 221; 10 March 1853.

YEAR ENDING OCTOBER 1845.

	Number of				Number who Brew their own Beer.			Malt consumed by each Class.			
	Brewers.	Victuallers.	Licensed to be Drunk on the Premises.	Sell Beer not to be Drunk on the Premises.	Victuallers.	To be Drunk on the Premises.	Not to be Drunk on the Premises.	Brewers.	Victuallers.	To be Drunk on the Premises.	Not to be Drunk on the Premises.
gland - - -	2,324	58,055	32,554	3,769	26,390	12,227	1,145	16,802,407	7,619,351	2,927,750	376,725
otland - - -	198	15,846	- -	- -	190	- -	- -	833,090	96,257	—	—
land - - -	115	13,474	- -	- -	- -	- -	- -	1,277,416	—	—	—
UNITED KINGDOM -	2,637	87,375	32,554	3,769	26,580	12,227	1,145	18,972,913	7,715,608	2,927,750	376,725

YEAR ENDING OCTOBER 1852.

	Number of				Number who Brew their own Beer.			Malt consumed by each Class.			
	Brewers.	Victuallers.	Licensed to be Drunk on the Premises.	Sell Beer not to be Drunk on the Premises.	Victuallers.	To be Drunk on the Premises.	Not to be Drunk on the Premises.	Brewers.	Victuallers.	To be Drunk on the Premises.	Not to be Drunk on the Premises.
gland - - -	2,438	60,565	39,378	3,348	26,386	13,813	1,014	19,294,330	7,572,288	3,378,165	391,457
otland - - -	142	14,684	- -	- -	178	- -	- -	979,384	147,840	—	—
land - - -	98	14,714	- -	- -	- -	- -	- -	1,266,344	—	—	—
UNITED KINGDOM -	2,678	89,963	39,378	3,348	26,564	13,813	1,014	21,540,058	7,720,128	3,378,165	391,457

TABLE V.—ILLICIT DISTILLATION.

DURING the year ending 5 April 1851, there were 984 persons convicted of Illicit Distillation in Ireland; 36 in England; and 29 in Scotland.

517 Stills were seized in Ireland; 323 in England; and 44 in Scotland.

98,207 Gallons of Spirits, Low Wines, Wash, &c. were seized in Ireland; 22,721 in England; and 5,279 Scotland.

A RETURN of the Total Number of GALLONS of SPIRITS DISTILLED and charged with DUTY in *Ireland*, Duty per Gallon, distinguishing the Number of Gallons charged with Duty for Consumption: Of the Numb Offences in *Ireland* against the Laws for the Suppression of ILLICIT DISTILLATION: And, of the Number against the Laws for the Suppression of ILLICIT DISTILLATION.

Years.	Number of Imperial Gallons Distilled in Ireland.	Number of Imperial Gallons charged with Duty in Ireland.	Amount of Duty.	RATES OF DUTY PER IMPERIAL GALLON: On Spirits made from Corn.	On Spirits made from Suga
			£. s. d.		
1800	There are no Records from which an Account for this period can be furnished.	1,330,500	209,944 13 8	2s. 4¼d.	3s. 4¼d.
1801		355,106	60,151 15 5	„	„
1802	4,475,458	4,715,098	674,575 11 10	2s. 10¼d.	
1803	4,795,109	4,343,095	671,622 12 –	2s. 10¼d., 3s. 6¾d.	
1804	4,205,830	3,543,599	680,083 9 8	3s. 6¾d., 4s. 1d.	
1805	4,611,734	3,686,233	685,222 12 –	4s. 1d.	
1806	4,059,914	3,858,107	725,367 3 –	„	
1807	5,305,632	5,597,204	1,141,149 3 9	„	
1808	4,524,475	3,575,430	834,064 12 3	„	
1809	1,288,758	1,360,386	212,455 6 –	„	2s. 11¼d.
1810	4,301,026	4,728,522	632,747 13 4	4s. 1d., 2s. 6½d.	„
1811	6,187,779	6,378,479	812,597 1 11	2s. 6½d.	
1812	4,053,600	4,009,301	942,880 12 7	2s. 6½d., 5s. 1¼d.	
1813	3,595,030	3,158,693	750,768 17 3	5s. 1¼d., 5s. 7¼d.	3s. 9d.
1814	5,947,658	5,393,713	1,454,594 2 4	5s. 7¼d.	„
1815	4,468,106	4,323,844	1,312,908 15 –	5s. 7¼d., 6s. 1½d.	
1816	4,562,286	3,557,200	1,037,185 13 10	6s. 1½d., 5s. 7½d.	
1817	2,692,182	3,586,932	1,026,277 9 9	5s. 7½d.	
1818	4,474,777	4,284,347	1,175,077 8 9	„	
1819	3,879,216	3,676,516	1,036,924 4 2	„	
1820	4,607,296	3,299,650	924,993 1 –	„	
1821	3,627,552	3,311,462	928,304 10 9	„	
1822	4,135,045	2,910,483	815,897 19 11	„	
1823	2,844,677	3,590,376	624,819 13 10	5s. 7¼d., 2s. 4¾d.	
1824	6,361,248	6,690,315	803,148 11 5	2s. 4¾d.	
1825	8,835,027	9,262,744	1,111,825 16 4	„	
				For Home Consumption.	For Exportation to England
1826	9,046,959	7,507,704	1,089,370 11 7	2s. 10d.	2s. 10d., 7s.
1827	7,283,317	8,958,726	1,320,976 4 2	„	„ „
1828	9,725,259	10,617,684	1,587,373 18 10	„	„ „
1829	9,208,538	9,883,705	1,474,387 15 3	„	„ „
1830	8,694,742	9,446,826	1,548,816 8 8	2s. 10d., 3s., 3s. 4d.	2s. 10d., 3s., 3s. 4 7s., 7s. 6d.
1831	8,786,341	10,015,147	1,778,766 8 7	3s. 4d.	3s. 4d., 7s. 6d.
1832	9,260,920	9,717,693	1,725,965 13 11	„	„ „
1833	9,509,774	8,688,903	1,490,631 4 2	„	„ „
1834	9,370,343	10,142,654	1,477,259 16 2	3s. 4d., 2s. 4d.	3s. 4d., 2s. 4d., 7s. 6
1835	11,167,580	11,889,882	1,437,111 10 8	2s. 4d.	2s. 4d., 7s. 6d.
1836	11,894,169	12,548,727	1,498,567 18 10	„	„ „
1837	10,980,910	11,534,631	1,368,773 12 10	„	„ „
1838	11,064,820	12,628,101	1,506,725 14 10	„	„ „
1839	10,254,591	11,169,551	1,335,240 3 –	„	„ „
1840	7,281,429	7,782,523	1,016,698 8 8	2s. 4d., 2s. 8d.	2s. 4d., 2s. 8d., 7s. 6 7s. 10d.
1841	6,359,124	6,943,740	959,797 13 8	2s. 8d.	2s. 8d., 7s. 10d.
1842	5,315,090	5,819,247	1,002,452 4 1	2s. 8d., 3s. 8d.	2s. 8d., 3s. 8d., 7s. 10
1843	5,550,706	5,906,927	937,413 – –	3s. 8d., 2s. 8d.	3s. 8d., 2s. 8d., 7s. 10
1844	6,878,243	7,314,088	1,009,183 7 8	2s. 8d.	2s. 8d., 7s. 10d.
1845	8,397,459	8,739,584	1,195,029 9 9	„	„ „
1846	8,658,879	9,322,371	1,285,652 9 –	„	„ „
1847	5,737,687	7,119,156	981,130 – –	„	„ „
1848	8,126,507	7,961,185	1,095,101 11 9	„	„ „
1849	8,355,083	7,540,474	1,048,306 – –	„	„ „
1850	8,293,034	7,923,989	1,104,776 8 8	„	„ „
1851	8,035,504	8,147,885	1,142,496 19 9	„	„ „
1852	8,117,708	8,813,258	1,243,107 15 11	„	„ „

Inland Revenue Office, London,
28 May 1853.

h Year from 1800 to 1852, both inclusive; the Total Amount of Duty received in each Year, and the Rate of Detections in each Year, and of the Number of Persons Prosecuted (specifying the Number Convicted) for rsons Confined in each Year in the several Gaols in *Ireland*, either Charged with or Convicted of any Offence

er of Imperial Gallons harged with Duty Home Consumption.	Offences against the Laws for the Suppression of Illicit Distillation.				Years.
	Number of Detections.	Number of Persons Prosecuted.	Number of Persons Convicted.	Number of Persons confined in the several Gaols in Ireland.	
1,330,500					1800.
355,106					1801.
4,715,098					1802.
4,343,095					1803.
3,543,599					1804.
3,686,233					1805.
3,858,107					1806.
5,597,204					1807.
3,575,430					1808.
1,360,386					1809.
4,728,522					1810.
6,378,479					1811.
4,009,301					1812.
3,158,693					1813.
5,393,713	- - There are no perfect records of the Detections and Prosecutions for Offences				1814.
4,323,844	against the Laws for the Suppression of Illicit Distillation in Ireland, previous				1815.
3,557,200	to the passing of the Act 1 & 2 Will. 4, c. 55, which came into operation 31st				1816.
3,586,932	December 1831. Before that time, penalties for offences of this nature were				1817.
4,284,347	inflicted on the townlands, and were collected by County Treasurers, who				1818.
3,676,516	rendered very imperfect accounts.				1819.
3,299,650					1820.
3,311,462					1821.
2,910,483					1822.
3,590,376					1823.
6,690,315					1824.
9,262,744					1825.
6,834,867					1826.
8,260,664					1827.
9,937,903					1828.
9,212,224					1829.
9,004,539					1830.
8,710,672					1831.
8,657,756	- 5,455 -	- 1,095 -	- 1,042 -	- 648 -	1832.
8,168,596	- 8,223 -	- 2,304 -	- 1,926 -	- 1,294 -	1833.
9,708,416	- 8,192 -	- 2,743 -	- 2,194 -	- 1,296 -	1834.
11,381,223	- 4,904 -	- 1,809 -	- 1,248 -	- 844 -	1835.
12,248,772	- 3,323 -	- 1,257 -	- 903 -	- 738 -	1836.
11,235,635	- 3,136 -	- 890 -	- 682 -	- 573 -	1837.
12,296,342	- 3,298 -	- 763 -	- 593 -	- 525 -	1838.
10,815,709	- 1,359 -	- 317 -	- 227 -	- 201 -	1839.
7,401,051	- 1,004 -	- 279 -	- 202 -	- 175 -	1840.
6,485,443	- 881 -	- 317 -	- 228 -	- 171 -	1841.
5,290,650	- 1,895 -	- 664 -	- 478 -	- 441 -	1842.
5,546,483	- 3,456 -	- 1,576 -	- 1,035 -	- 911 -	1843.
6,451,137	- 2,574 -	- 646 -	- 462 -	- 442	1844.
7,605,196	- 2,178 -	- 395 -	- 270 -	- 300 -	1845.
7,952,076	- 1,370 -	- 249 -	- 176 -	- 146 -	1846.
6,037,383	- 946 -	- 420 -	- 339 -	- 275 -	1847.
7,072,933	- 2,385 -	- 973 -	- 822 -	- 738 -	1848.
6,973,333	- 2,654 -	- 1,333 -	- 1,179 -	- 854 -	1849.
7,408,086	- 3,545 -	- 1,203 -	- 1,079 -	- 1,062 -	1850.
7,550,518	- 3,466 -	- 903 -	- 764 -	- 719 -	1851.
8,208,256	- 2,904 -	- 635 -	- 562 -	- 557 -	1852.

Appendix, No. 12.

STATISTICS relating to Licences for Public-Houses in certain of the Metropolitan Parishes and Districts.

STATEMENT of the Total Number of Public-Houses in the Parishes of Saint George (East); All Saints, Poplar; Saint Paul, Shadwell; Saint John of Wapping; Saint Anne, Limehouse; and the Hamlet of Ratcliff, forming part of the Tower Division.

Total Number.	Year.	Cases Postponed.	Licences refused to be renewed.	New Licences granted.	Appeals against Refusal to renew Licences.	Result.	Appeals against Refusal to grant New Licences.
356	1851	2	- -	2	—	—	—
	1852	4	1	2	1	- - Licence refused.	—
	1853	1	- -	5	—	—	—

ST. PANCRAS, MIDDLESEX.

240	1851	4	- -	6	—	—	—
	1852	4	- -	2	—	—	—
	1853	1	- -	12	- -	Dismissed -	1

MARYLEBONE.

265	1851	17	4	- -	4	3 successful.	—
	1852	11	2	2 (one of which was previously a licensed house.)	1	1 successful.	—
	1853	31	- -	1	—	—	—

FINSBURY DIVISION.

444	1851	10	- -	2	- -	Dismissed -	1
	1852	9	- -	10	- -	- - -	—
	1853	9	- -	11	- -	- - -	—

Statistics relating to Licences for Public-Houses, &c.—*continued.* Appendix, No. 12.

TOWER DIVISION.

Total Number.	Year.	Cases Postponed.	Licences refused to be renewed.	New Licences granted.	Appeals against Refusal to renew Licences.	Result.	Appeals against Refusal to grant New Licences.
346	1851	6	- -	6	—	—	—
	1852	4	- -	3	—	—	—
	1853	5	- -	1	—	—	—

PARISH OF SAINT GEORGE, HANOVER SQUARE.

227	1851	10	- -	2	—	—	—
228	1852	4	- -	2	—	—	—
229	1853	7	1	3	1	- - -	1

Year.	Billiard Licences granted.
1851	9
1852	11
1853	10

Note.—The appeal against the refusal of renewal of Licence to the Green Man in Green-street was heard at Sessions, and Licence granted. The Notice of Appeal given for refusing to grant a Licence to William Fawkes for new house in Ranelagh-street was not prosecuted.

ST. JAMES, WESTMINSTER.

Total Number.	Year.	Cases Postponed.	Licences refused to be renewed.	New Licences granted.	Appeals against Refusal to renew Licences.	Result.	Appeals against Refusal to grant New Licences.
161	1851	10	1	1	—	—	—
	1852	8	5 New Licences.	2	- -	Confirmed -	1
	1853	4	2 New Licences.	1	1 —	Granted - Unknown -	— 1

Statistics relating to Licences for Public-Houses, &c.—*continued.*

ST. MARGARET AND ST. JOHN THE EVANGELIST, WESTMINSTER.

Total Number.	Year.	Cases Postponed.	Licences refused to be renewed.	New Licences granted.	Appeals against Refusal to renew Licences.	Result.	Appeals against Refusal to grant New Licences.
146	1851	6	- -	2	—	—	—
	1852	5	- -	2	—	—	—
	1853	7	1	- -	1	Granted	—

Total Number of Appeals during the Years 1851, 1852, 1853, against the Refusal of the Justices to renew Old Licences or to grant New Licences.

Year.	Number.	For Refusal to grant New Licences.	For Refusal to renew Old Ones.	Result.	
				Granted.	Refused.
1851	13	6	7	4 Old Licences -	6 New Licences. 3 Old „
1852	6	3	3	1 Old Licence - 1 New „ -	3 Old „
1853	6	2	4	4 Old Licences - 1 New Licence -	1 New Licence.

Appendix, No. 13.

STATEMENT by Mr. *Partridge* (*Brighton*) of Existing Law and Practice, and proposed New Plan. Appendix, No. 13.

Draft Statement.

The question of licences to sell beer and spirituous liquors affects in the main three classes of traders:

1. Publicans, or licensed victuallers.
2. Beershop keepers.
3. Wine and spirit merchants.

It will be convenient to take these separate classes *seriatim*, in order to distinguish our present legislation as applied to each; and then having stated the general operation of that legislation, briefly to sketch the alterations which I would therein suggest.

The publicans, or licensed victuallers, are governed by the 9th Geo. 4. c. 61; the 5 & 6 Vict., c. 44; and the 11 & 12 Vict., c. 49. The 9 Geo. 4 c. 61, does not affect the two Universities of Oxford and Cambridge, or the Master, &c., of the Vintners, commonly known as "Free Vintners," in London; nor prohibit the selling of beer at fairs. 9 Geo. 4, c. 61; 5 & 6 Vict. c. 44; 11 & 12 Vict. c. 49.

Two licences are necessary to enable a person to keep an inn or public-house, and sell beer and excisable liquors by retail therein, to be drunk on the premises: viz., a magistrate's licence and an excise licence; which latter, by 9 Geo. 4, c. 61, s. 17, cannot be granted unless the person has previously obtained a magistrate's licence.

By 9 Geo. 4, c. 61, s. 1 (Licensing Act), there shall be annually held in every division of every county, &c., in England, a special session of the justices of the peace (to be called the General Annual Licensing Meeting) for granting licences to keepers of inns, ale-houses, and victualling houses, to sell exciseable liquors by retail, to be drunk or consumed on the premises; such meetings to be held in Middlesex and Surrey within the first ten days of the month of March, and elsewhere on some day between the 20th day of August and the 14th day of September inclusive; and the justices assembled at such meeting, or at any adjournment thereof, and not disqualified from acting, may grant such licences to such persons as they, in the execution of the powers of the Act, and in their discretion, shall deem fit. This point will be more fully noticed hereafter. Annual licensing day.

The beer-shop keepers are regulated by the 1 Will. 4, c. 64, as amended by 4 & 5 Will. 4, c. 85; and the 3 & 4 Vict., c. 61. Under these Acts, licences to sell beer not to be drunk on the premises, or to be drunk on the premises, as the case may be, are granted by the Excise. But the justices, on a third conviction against a beershop-keeper for permitting drunkenness or disorderly conduct in his house or premises, or upon a second conviction for adulterating his beer, may adjudge such beershop keeper, so convicted, to be disqualified from selling beer by retail for two years. 1 Will. 4, c. 64, as amended by 4 & 5 Will. 4, c. 85; 3 & 4 Vict. c. 61. On third conviction for disorderly conduct, or second conviction for adulterating his beer, beershop-keeper to be disqualified for two years.

The wine and spirit merchants, under 6 Geo. 4, c. 80, obtain from the Excise licences to sell wines, spirits, and beer; with this limitation as to quantity, namely, that they shall not sell at any one time to any person less than two gallons of spirits, nor less than two dozen quart bottles of beer. But no minimum quantity is fixed by the Act as to the sale of wine. Wine and spirit merchants, 6 Geo. 4, c. 80.

It will be seen, therefore, that although under 1 Will. 4, c. 64 (the Beershop Act), the retail trade in beer, and under 6 Geo. 4, c. 80, the wholesale trade in wine and spirits, is in the grant, and therefore under the original control of the Excise, yet, under the 9 Geo. 4, c. 61 (the Licensing Act), the retail trade in beer and spirits combined is entirely subject to the will and pleasure of the local magistracy.

Now, it is an admitted fact, that the profits arising from the sale of beer alone, are not sufficiently large to enable the holder of a beershop to compete with the holder of a public-house. Beershop-keeper unable to compete with a publican.

In order to show that this is so, I shall venture to quote a passage from one of the very able letters which appeared in the columns of the "Times" newspaper, in the month of May last, signed "A Thirsty Soul," which cites in support of the view therein put forth some important evidence on this point:—

"Two answers given to the Committee of 1830, by Mr. William Coates, one of the most considerable licensed victuallers at the east end of London, who stated in his evidence that he turned over 600*l.* a week in retailing wines, spirits, and beer, the latter article forming the least important portion of his business, and being merely entertained by him in order to attract beer drinkers to his premises, in the hopes that they would eventually settle down to spirits, will show how it is that under the existing system no beershop can compete with a public-house:—

"P. 105. '*Q.*—Could you as a victualler, afford to sell your beer genuine at 4*d.* a pot, if you did not look to the profits upon wine and spirits, as your remuneration?—*A.* I do not know that I could.' Evidence of Mr. William Coates.

Appendix, No. 13.

"'*Q.* Would it answer to any person selling beer alone, such beer being the greatest part of his trade, to sell at 4*d.* a pot, if he sold it as he received it from the brewer?—*A.* Certainly not.'"

Any one, therefore, who would start in the trade as a new comer, in order to stand a chance of successfully competing with old established firms, who already probably hold the majority of licensed houses, is driven to make application to the magistrates for spirit licences, without which he cannot hope to form a profitable connexion.

Difficulty of obtaining publicans' licences.

But under the existing system of licensing, the number of new licences annually granted to fresh applicants is extremely small, many of the licensing magistrates entertaining a decided objection to multiply the number of public-houses already existing in their respective districts.

Opposition of brewers and licensed victuallers.

Furthermore, on the occasion of the annual licensing day, the brewers, aided by the licensed victuallers, strenuously oppose all such fresh applications for licences, and every engine in their power is then brought into play in order to preserve intact their own monopoly, and to exclude any new rival from a trade which so closely affects their own interests. Thus competition is rendered well nigh impossible, and the public suffer accordingly.

Limitation affecting wine and spirit merchants.

Minimum, two gallons spirits, two dozen quart bottles of beer.

With respect to the wholesale wine and spirit merchants, the limitation which renders it penal for wholesale wine and spirit merchants to sell in less quantities than two gallons of spirits, and in less quantities than two dozen quart bottles of beer, &c., not only operates as a great hardship on the dealers themselves, but by preventing their complying with the reasonable demands of their customers, many of whom, particularly in our large watering places, belonging as they chiefly do to the class of visitors, desire to deal with the wine merchant for wine by the dozen, and spirits by the bottle, but finding the supply they require of the latter forbidden by the state of the law, are driven to the alternative of sending their servants from time to time for such articles to public-houses; a practice which experience shows to be highly objectionable and demoralising.

Cost of wine and spirit merchant's licence, 24*l.* 6*s.* 1*d.*

It is also a singular anomaly that for a licence, with a minimum of supply attached to the trade which it sanctions, the wine and spirit merchant pays to the Excise 24*l.* 6*s.* 1*d.* per annum;

Cost of publican's licence, 16*l.* 10*s.* 8¾*d.*

Whilst the publican, who has the advantage of notoriously large profits on an unrestricted retail trade, is only subjected to a payment of 16 *l.* 10 *s.* 8¾ *d.* per annum.

I submit with great deference, and after having attentively studied the subject, that the following suggestions might be found useful in regard to the alterations in the present system which appear to be required, and which I feel convinced, if carried out, would conduce to the welfare of the trade in general, and the well-being of society, especially as regards the lower classes.

Proposed alterations in the system of licensing.

Magistrates' veto.

Appeal to quarter sessions.

The power to grant licences to publicans to sell beer and spirits, at present vested in the magistracy, might well be transferred to the Excise, who at present grant all similar licences, and the jurisdiction of the local magistracy in the original matter of the grant should be abolished; with this proviso, that they, the magistrates, shall have the veto on the granting a licence of any applicant whose character shall be notoriously bad, such applicant having the power to appeal against such veto to the Court of Quarter Sessions, whose adjudication shall be final, and guide the Excise as to the grant or refusal of such licence.

Abolition of present beershops.

With regard to beershops, I would suggest the entire abolition of licences granted by the Excise to sell by retail, to be drunk on the premises.

Rating to be increased.

To these two classes of dealers, or as they would then really be one class, viz., publicans, I would apply, in addition to the test of respectability, the test also of rating, in the proportions to population, as at present applied to beershop-keepers under the 3 & 4 Vict. c. 61, s. 1. But raising the amount of rating at present required by the Act, as follows, viz.:—

New amount of ratings.

	Present Rating.	Proposed Rating.
	£.	£.
Where Population exceeds 10,000 - -	15	35
Ditto ditto - 2,500 - -	11	20
Elsewhere - - - - - -	8	12

Sureties.

And I would also require the publican to find sureties (as suggested by an honourable Member of this Committee), who should render themselves liable for the maintenance of good order, &c., within such publican's house.

Suspension of licence.

Appeal to the Court of Quarter Sessions.

The jurisdiction of the local magistracy to hear complaints, &c., should continue as it at present exists, and a fresh power might be advantageously conferred upon them, viz., that of suspending any offending publican's licence for such a period as they (the magistrates) may think fit (provided always that such publican whose licence shall have been so suspended, shall have power to appeal to the Court of Quarter Sessions against such suspension);

sion); endorsing same on the licence, and giving notice thereof to the Excise, which would prevent any fraudulent transfer of the licence during the period of suspension. Appendix, No. 13.

In addition to this, I submit that it would be desirable to establish an office in London, for the registration of all convictions againt publicans, and other licensed dealers, with the view of furnishing evidence of the character of persons applying for licences, in case of any subsequent change or changes of residence. Moreover, Excise officers should have concurrent authority with constables and other police officers, and should lay informations before the local magistracy against retail dealers, for offences committed contrary to the tenor of their licences.

Excise officers to lay informations before magistrates.

To meet the domestic wants of the lower classes, I would propose that the Excise should grant to any person of good character a licence to sell beer by retail, not to be drunk on the premises, which would meet the retail demand for beer required for consumption in private houses, without re-introducing the beershops, and obviate the necessity of persons going to public-houses for the supply of such wants, whereby the morals of many of the labouring classes are greatly corrupted.

Licences to be granted for the sale of beer not to be drunk on the premises.

In the case of wholesale wine and spirit merchants, I would suggest that the Excise licence should permit them to supply to their customers any quantity (small or great) of spirits or beer in sealed bottles, not to be drunk or consumed on the premises, but solely for consumption elsewhere.

Wine and spirit merchants to sell in sealed bottles without any limitation a to quantity.

It appears to me that some such alterations in the existing law would meet the very serious objections which apply to the present licensing system, and at the same time place the whole trade under proper and sufficient supervision. I would further beg to suggest to this honourable Committee, that a favourable opportunity now occurs for the Legislature to take cognisance of, and measures for the regulation of a class of houses most prevalent in our cities and towns at the present day; I mean the coffee-shops.

Coffee-shops.

These shops, not being under police control, are the really illicit means of supplying spirits and beer without a licence to all loose characters during the whole night, and become the regular haunts of the lowest characters.

I would suggest that every coffee-shop-keeper, before opening a shop, should be required to obtain annually a tea, cocoa, coffee, and chocolate licence from the bench of magistrates, such licence to be granted on a merely nominal payment, to any applicant whose character shall not be notoriously bad; appeal in case of the refusal of such licence to the Court of Quarter Sessions, as above provided; which would at once place any house so licensed under the surveillance of the police, and would be sufficent to prevent such houses of refreshment becoming either illicit spirit shops, or the chosen spots for the rendezvous of the worst classes of society.

Coffee-shops to be licensed annually by the magistrates, and placed under police supervision.

Appendix, No. 14.

STATEMENT relating to the Principle, Operation, and Results of the MAINE LAW, so called, or the Legislative Prohibition of the Liquor Traffic in *America, British Canada,* and elsewhere. Appendix No. 14.

IN 1834 the Government of the United States of America passed a law for the protection of the Indian tribes, prohibiting the introduction and sale of intoxicating liquors amongst them, directing that all such liquors introduced for sale should be seized and destroyed by the State officers, without judge or jury. That law was rigidly enforced, without any question of its justice and constitutional character; nor was any compensation provided for the owners of the liquors destroyed under the operation of the law. The principle of this legislation was not then contemplated as applicable to the people of the individual States. It was found to work well, and commended itself to the approval of all humane and enlightened statesmen.

Through the persevering exertions chiefly of the Honourable Neal Dow, of Portland, United States, an Act was framed, and passed the Maine State Legislature in May 1851, prohibiting the traffic in all intoxicating liquors, excepting for medical and artistic purposes; and authorising search, seizure and destruction of all such liquors offered or kept for sale, without remuneration to the owner or keeper thereof. This enactment, now known as the Maine Law, was approved by the Governor on the 2d of June following, and first enforced in the seizure and destruction of liquors on sale at Bangor on the 4th of July 1852, the day of the celebration of American Independence. Since that time enactments of a similar character, prohibiting the liquor traffic under heavy penalties and summary processes, have been passed by various other states of the Union, including Rhode Island, Massachusetts, Vermont, Indiana, and recently Michigan and Wisconsin.

A salaried officer is appointed in each town or district to sell liquors only for strictly medicinal or manufacturing purposes. The officer is bound under heavy penalties, with

Appendix, No. 14.

sureties to sell only in accordance with the law, to record every sale in a public book, and to have no profit from the business except his salary. No one can recover payment at law for liquors sold within or without the State. New Jersey has placed habitual drunkards under similar restraints and disabilities to lunatics.

With the exception of the city of Boston, in the State of Massachusetts, the Maine Law, so far as adopted, has been by the mass of the population cheerfully submitted to; and the results have been of a most satisfactory character. The commitments for crime are officially reported to have decreased from 40 to 80 per cent. The poor-rates have nearly vanished, and the gaols in some places are reported empty. In the city of Portland, Maine, the numbers of commitments to the house of correction for drunkenness from 1st June to December 1, 1850, six months, was 40; from January 1 to May 31, five months, it was 34; from June 1 to October 16 (the Liquor Law was approved June 2) it was eight; from October 16 to December 31, there were none; on the 15th June 1852, the house of correction was empty (Mayor's Report). In Salem, Massachusetts, the aggregate of commitments for drunkenness from May 22 to July 22 (before the law) was 150; from that period to the 22d of September but 35: a decrease of 115. In the city of Lowell, according to a statement of the mayor's, for the two months ending September 22, 1851, there were committed to the watch-house 110 in a state of drunkenness; there were besides reported as being seen drunk, not arrested, 390; total 500; this was previous to the enactment of the law. In the corresponding months of the next year, when the Maine Law was in force, there were committed to the watch-house for drunkenness, 70; reported as seen drunk, not arrested, 110; total, 180; diminution, 320. The amount of drunkenness, for the month ending 22d October 1852, was 67 per cent. less than the corresponding month of the previous year. The judge of the police court of Springfield reported a diminution of drunkenness of more than 75 per cent. Similar results have followed the application of the Maine Law in every State that has adopted it; and not only has drunkenness been thus diminished, but all other crime and public outrages, and also pauperism, have been decreased in a corresponding ratio.

No repeal nor reverse of popular feeling and sentiment have yet taken place. The people rejoice in the law, and sustain it heartily. Constitutional difficulties have been suggested on various occasions, but have been settled by the law courts. The law, where it has been found weak and inadequate, has been strengthened in its provisions, and in every quarter confidence has been increased in the soundness and goodness of the measure. Evils anticipated from the execution of the law, broils, turbulence and resistance, have all vanished before its silent majesty as it has moved on in its progress, and no tumult worthy of being recorded has yet taken place.

Throughout the Canadas a strong popular opinion prevails in favour of a Maine Law.

In the late Canadian Parliament it was only lost by four votes, and will certainly soon be enacted.

In Nova Scotia and at Prince Edward's Island, powerful leagues are formed for accomplishing the adoption of the Maine Law. At a large public meeting in Halifax, recently held, a decided resolution in favour of this law was unanimously carried. In New Brunswick the law has been enacted, and, having received the sanction of Her Majesty, has come into legal force, and is well sustained; it does not include beer and cider, but entirely prohibits the sale of spirits and wines for the purpose of beverage.

At Buenos Ayres no liquor can be sold to be consumed in public; and if a drunken person is found in any store or public-house, the owner is subjected to heavy penalties.

In the Sandwich Islands a prohibitory liquor law is part of the permanent constitution of society.

In visiting the Pagan Islands in Micronesia, the Sandwich Islands missionaries found a Maine Law on Strong's Island. No intoxicating drinks are allowed to be made on the island, or to be brought on shore from ships.

In the island of Madagascar, containing 4,000,000 inhabitants, a Maine Law is ingrafted in the constitution. Intoxicating wine is not even allowed to be used in the sacraments by the ministers of the London Missionary Society, an edict from the Throne declaring that such use would be a breach of the law.

In the Republic of Liberia, in Africa, no person may introduce or sell any intoxicating drink. Even the King of Dahomey, in Central Africa, steadily refuses to sanction a traffic in strong drink. His revenues are chiefly derived from the traffic in human beings for the slave market, but he is not disposed to allow his own people to be degraded and destroyed by intoxicating liquors.

The native populations of India keep up a continual protest and resistance against the British licence system, under the shield of which a traffic in intoxicating liquors is carried on, in defiance of the law and the religion of the Hindoo. On the 14th of August last, an appeal was made by the native inhabitants of Satarah, to the Right Honourable the Governor and Council in Bombay. The following extracts from that memorial are worthy the attention and consideration of the British people and Government:

"That we are under the government of the English is by no means in itself a cause of sorrow to us; but we are filled with anxiety and alarm in the view of the fact that the evil of strong drink so invariably follows the introduction of British rule.

"When this great evil once gets a footing, it cannot, without much difficulty, be eradicated; all remedies fail. If Government once begin to raise a revenue from this source, there seems little or no hope that it will ever be relinquished at a future time.

"The

"The way in which this evil commences, seems to be that, when Europeans begin to reside in any place, intoxicating drinks are, in the first instance, brought for their use. But our people soon become great proficients in this vice, and spend upon it those means which are required for the support of their families, thus leaving their wives and children to suffering and want. This state of things is then turned to account by the Government, which raises a large revenue from grog-shops and distilleries, on the plea of checking the progress of intemperance. But if the object in view in imposing a tax on distilleries and liquor shops is to save the people from intemperance, then would it not, on every account, be better to suppress them altogether, and thus nip the evil in the bud? The remedy now resorted to by Government seems wholly inadequate, for, notwithstanding tax imposed, drunkenness and ruin continue to spread on all sides. Possibly it may be said that it is not the duty of Government to interfere with the wishes of the people in regard to what they shall eat and drink. But let the ruin caused by intoxicating drinks be considered. The Government should not forbid the use of that which is nutritious and beneficial; but it is the bounden duty of Government to save the people from ruin, when they, through ignorance and folly, are rushing into it."

Among the miners in Australia the British Government has put an extreme Maine law principle in operation. Grog-shops are ordered to be burned to the ground as soon as they are discovered.

In England, Scotland and Ireland, the attention of thousands of the most earnest and patriotic has been turned to this great question. Not only temperance societies, but many others who feel a deep interest in the social, moral, and spiritual advancement of the people, have hailed this great principle of legislative action, which, instead of attempting to regulate a traffic fraught with vast and ever-growing social evils, prohibits and suppresses it; instead of giving it the sanction and imprimatur of the state, puts it under the ban of the law.

This question has been spoken to and discussed at public gatherings in various parts of the kingdom, and, wherever mooted, has been warmly responded to by the people. Resolutions have been affirmed in favour of the Maine law at large public meetings in different parts of England and Scotland, and many newspapers have given or admitted favourable notices and communications on the subject.

A number of Maine law sermons and lectures have been delivered, and tens of thousands of Maine law tracts have been put into circulation in London and Manchester, in Edinburgh and Glasgow, and in many others of the great centres of population; and there can be no doubt but that the entire question must soon come up and must be dealt with in the pulpit and on the platform, and in the Parliament of the nation.

The United Kingdom Alliance, formed in Manchester on the 1st June last, has for its distinct and declared purpose the initiation of a national agitation for the suppression of the liquor traffic. This organisation has enrolled upwards of 200 names of clergymen and gentlemen of influence on its list of general council, and is daily adding thereto. Powerful branch associations have already been formed in Edinburgh and Glasgow, and others are in course of formation in London, Dublin, Bristol, and other important cities and large towns.

No public meetings have yet been held by the promoters of the Alliance, and yet it has received adhesions and promises of support from almost every important city and district of the three kingdoms.

The public inauguration of the United Kingdom Alliance is announced to take place in October next, when a conference of the members of the general council, and other leading friends of the movement will be convened in Manchester.

The executive committee have issued the appended address to the people of the United Kingdom, in which the facts and principles, the means and aims, of the Alliance are set forth.

It remains to be seen how far public sentiment will respond to, and public opinion sustain the appeal and purpose of the Alliance. There can surely be no insuperable difficulties in the way of such an enactment, if the British people favour it and the powers that be decree it. Nor will statesmen be wanting prepared for every exigency and difficulty of such a crisis.

Signed on behalf of the executive committee of the United Kingdom Alliance, this 27th day of July 1853.

Wm. Harvey, Chairman.

Nath. Card, Treasurer.

Samuel Pope, Hon. Sec.

William Gawthorpe, } Secretaries.
Thos. H. Barker, }

52, Princess-street, Manchester.

Appendrx, No. 14.

ADDRESS of Executive Committee of THE UNITED KINGDOM ALLIANCE (formed 1 June 1853), to procure the Total and Immediate Legislative Suppression of the Traffic in all Intoxicating Liquors.

To the PEOPLE of *Great Britain* and *Ireland.*

THE greatest evils under which our nation suffers, including crime, pauperism, ignorance, insanity, and disease, are induced and fostered by the common use of intoxicating drinks.

The manufacture, sale, and consumption of intoxicating drinks involve an annual loss to the nation of not less than 100,000,000*l.* sterling.

The exciting and corrupting influence of intoxicating liquors at municipal and Parliamentary elections is a public evil of fearful magnitude, which greatly counteracts the benefits of our representative system of government.

A considerable proportion of these evils is directly referable to the legalised "facilities and means of intemperance."

Intoxicating drinks, as articles of beverage, in no way contribute to the health, strength, or well-being of man.

As to the facts on which these assertions are based, there is a perfect unity of opinion among the observant and well-informed. All the evidence and testimony procurable on the subject is concurrent in proving that,—

Intemperance is our national bane, and the liquor traffic its most prolific source.

Believing, therefore, that a traffic which thus impoverishes and pollutes the nation should neither be legalised nor tolerated, our object, in this Alliance, will be to call forth, direct, and concentrate an expression of public opinion against the entire system, until Parliament enstamp that opinion with legal significance and power.

The means adopted will be strictly legal and constitutional. The pulpit, the platform, and the press will be used in the spread of information and the enforcement of appeals until the nation shall be aroused to a conception of the almost incredible enormities of the traffic, and excited to an expression of abhorrence which shall issue in a demand, urgent and irresistible, for its entire and final suppression.

The principles which justify the Alliance are broad and distinct; and are founded on social right and public justice.

I.—Every community is warranted in employing the best means of protecting itself against manifest public evils. Judge Blackstone clearly asserts the right of society to abate nuisances injurious to its members. One of the chief benefits of civilisation is, that by combining the intelligence and power of the many for the service and security of each, protection is rendered more complete and efficient.

II.—Where this end can be more effectually secured by direct legislation, or cannot be secured without it, it is expedient and desirable to invoke the interference and authority of the state. Public opinion and moral suasion may do much to lessen and restrain public evils; the force of argument, example, precept, and combination, may achieve splendid triumphs for the common weal; but there are limits to this influence. When private pecuniary interests are largely involved in maintaining the sources of public misery and ruin, and especially when men deal in a commodity which seduces and enslaves, while it depraves and destroys, no lack of agents will be found to keep those sources open, and to provide fresh ones to any extent that is profitable and permitted by law. The moral influence of public opinion alone would not have abolished the slave trade and slavery in the British empire; and it was only when public opinion assumed a legislative form that it pronounced a decisive fiat which could not be disobeyed.

III.—All private interests are held subjects to the public good. Thus, lotteries, betting-houses, brothels, nuisances, and slavery have been made illegal. The traffic in strong drink is infinitely more destructive of individual happiness; more subversive of social order; and more derogatory to our national dignity, than anything the State has heretofore interfered with or prohibited.

It follows from the facts and principles affirmed, that no government ought to sanction, and no community to countenance a traffic in intoxicating liquors. That traffic, indeed, has ever been considered as most unsafe and perilous. Our statute books are full of restrictive enactments concerning it.

The early laws of England sternly prohibited the conversion of corn into spirit for purpose of beverage. Queen Elizabeth strictly enforced this wise old statute, and treated its infringement as a social offence. Judge Hale earnestly supported it, and opposed any attempt at its abrogation, predicting that millions of people would destroy themselves by such fatal liquors. In the reign of William and Mary (1691), the Act to encourage distillation from corn was passed. These were the words of Whiston thereon: "Parliament has abrogated a very good law: nay, they have in reality encouraged the people to drunkenness, and to the murder of themselves."

The Beer Bill of 1829 was avowedly intended by its misadvised framers to alleviate the calamities resulting from the liquor traffic as then carried on. We need not point to the deplorable results of that experiment.

In 1834, on the motion of Mr. J. S. Buckingham, a Select Committee of the House of Commons was granted to inquire into the "extent, causes, and consequences of the prevailing

vailing vice of intoxication, in order to ascertain whether any legislative measure could be devised to prevent the further spread of so great a national calamity." This Committee, composed of some of the most eminent members of the House, including the late Sir Robert Peel, sat for upwards of 21 days receiving evidence. The official report of the Committee tendered a number of recommendations for repressing the manufacture, importation, and sale of alcoholic liquors, showing that this national disease of drunkenness stood in need of sharp and speedy remedies; and that the administration of these remedies was clearly within the province of the Legislature. One of the concluding suggestions of the Committee's report was to the effect, that the Government should advise and order "a public declaration of their determination to introduce, early in the (then) ensuing session, some general and comprehensive law for the progressive diminution and ultimate suppression of all the existing facilities and means of intemperance, as the root and parent of almost every other vice."* Unfortunately this challenge was not responded to, and the system of iniquity, under the shield of law, has been permitted to exist and extend its ravages, until the disgraceful fact is recorded that one in 22 of the population of one of our principal cities, in the year 1851, were taken into custody by the police for being found drunk and disorderly †

In America legal suppression has not only been affirmed as a principle, but boldly adopted in practical legislation. The influential States of Maine, Massachusetts, Rhode Island, Vermont, and Michigan, have enacted and enforced prohibitory statutes against the liquor traffic; and in all cases the results have been most beneficial and satisfactory. Crime and social turbulence, pauperism and disease, have been immediately and vastly diminished; and even the victims of the traffic have, in many instances, been most zealous in promoting its suppression.

Gratifying also is the spectacle presented in the British colony of New Brunswick, where a popular movement succeeded in obtaining an important, though imperfect enactment, entitled "An Act to prevent the Traffic in Intoxicating Liquor," which was triumphantly affirmed by the local Legislature, and on the 16th August, 1852, received the Royal sanction.

In our own country the limitation of the hours during which the Sabbath traffic in intoxicating drinks is permitted by law has been followed by a marked and uniform diminution of drunkenness, and its concomitant evils.

The attention of Government has been turned to the pernicious effects of the liquor traffic in the army and navy; and in order to promote the sobriety and good conduct of the soldiers, the sale of intoxicating drinks is now prohibited in the canteens; and the Lords of the Admiralty have ordered the allowance of grog to be withdrawn from the midshipmen and boys engaged in the naval service.

So general and entire was the satisfaction expressed with the regulations adopted at the Great Exhibition, in relation to intoxicating drinks, that the Royal Charter of the New Crystal Palace, at Sydenham, provides and declares that no alcoholic liquors of any kind shall be permitted to be sold or furnished for refreshment on any portion of the building, or premises, for ever.

Legislative interference, allowed to be just and imperative in any degree, involves a principle which admits of extension, bounded only by equity and public utility.

We, therefore, call upon our fellow countrymen, one and all, to enlist themselves in this movement, for the primary purpose of evoking a solemn national protest against the entire traffic in strong drink.

Ministers of the Gospel, Sabbath-school teachers, and Christian philanthropists should accord their sympathy and strenuous support to the Alliance, as a grand auxiliary and pioneer of pure and practical Christianity. Legislators, judges, magistrates, and municipal authorities, as guardians of public order and social morality, should rank foremost in defence of every interest of the common weal, now so frightfully jeopardised by a traffic whose success is at once the measure and the means of their country's degradation.

By order of the Executive Committee, 16 June 1853.

William Harvey, Chairman,

Nathaniel Card, Treasurer.

Samuel Pope, Honorary Secretary.

William Gawthorpe, } Assist. Secs.
Thomas H. Barker, }

Offices, 52, Princess-street, Manchester.

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* See Report of Select Committee of the House of Commons on Mr. J. S. Buckingham's motion, 1835.

† See Parliamentary Return, moved for by Mr. Hume, 1853.

Appendix, No. 15.

Appendix, No. 15. PAPERS furnished by *Geo. Wolstenholme*, Esq.

BOLTON STATISTICS.

RETURN of Prisoners taken into Custody for being Drunk and Disorderly, Drunk and Incapable, Male and Female, in the Borough of *Bolton*, from 1841 to 1851 inclusive.

DATE.	TOTAL.	Drunk and Disorderly.		Drunk and Incapable.	
		Male.	Female.	Male.	Female.
1841	673	389	61	187	35
1842	619	275	25	280	39
1843	640	250	30	310	50
1844	717	239	56	360	62
1845	801	220	65	417	99
1846	879	297	77	416	89
1847	811	323	62	361	65
1848	677	212	75	336	54
1849	626	322	92	415	97
1850	1040	427	141	382	90
1851	883	407	125	294	57
Total - -	8,366	3,361	809	3,758	737
From 1852, for eight months	487	238	58	143	48

RETURN of Licensed Victuallers and Beersellers, Selling on and off the Premises, in the Borough of *Bolton*, from 1849 to 1853.

DATE.	Licensed Victuallers.	Beerhouses Selling on the Premises.	Beerhouses Selling off the Premises.
1849	116	179	12
1850	117	163	9
1851	117	178	8
1852	118	182	6
1853 14th June -	118	201	5

In

In the year 1837, when the assessment was only 10 *l.*, the number of beerhouses, including those who sold off the premises, was 238; licensed public-houses, 109; new ones since, 9; now that the assessment is 15 *l.*, the beerhouses is 206, and public-houses, 118; so that the alteration in the assessment has done very little to check the evil complained of, in the space of 16 years; by only reducing the houses 32. But the increase of population has been very rapid. Appendix, No. 15.

The present state of the borough, so far as regards the regular licensed victuallers, beersellers, &c.: —Public-houses, 118; with taps set off, 8; with stand-up counters used as vaults, 43. Number of beerhouses, 201, that sells on the premises; 5 also sells off; making a total of 206.

A great evil to complain of is the bush sellers; to be able to get under that would be to insert a similar clause as that of illicit distillation, taken from the 7 & 8 Geo. 4, c. 53, sect. 33:—Persons discovered in or about any private and unentered excise manufactory, knowingly aiding, assisting, or in anywise concerned in the manufacturing of goods and commodities, in respect whereof any duty of excise is imposed, forfeits 30 *l.*, and may be arrested and detained by any officer of excise, and conveyed before a justice of the peace, to be dealt with as directed by the statute.

Should such a clause be inserted, the fair trader and the police would have no cause of complaint, which at present exists, and very justly; the making and selling of ale is carried on to such an extent without licence.

Appendix, No. 16.

Liverpool Magistrates' Resolutions, 24th January 1853.

At a meeting of magistrates held this 24th day of January 1853, to consider a supplemental report from the committee of magistrates appointed to consider the present system of licensing public houses and beerhouses, the following report was adopted:— Appendix, No. 16.

Your committee, it will be remembered, in their former report were unable to agree in any other recommendation, than to refer the subject generally to a Parliamentary Committee of Inquiry; still adhering to that recommendation they have again met, and upon further discussion and consideration, a majority of the committee concur in recommending the following suggestions, for an improvement of the present licensing system, with the view of abolishing what appears to your committee a useless distinction between houses for the sale of beer and ale, or victualling houses under the 9 Geo. 4; and for the purpose of consolidating the law they recommend,—

1st. The repeal of the several Acts for the regulation of houses for the sale of beer.

2d. That all houses for the sale of ale, beer, spirits and wine, should be exposed to free competition in trade, imposing only those restrictions which may be deemed expedient for the purpose of police regulation. Impressed with this view, they conceive it desirable to limit the discretion of magistrates at licensing sessions to one single question, that of character; and that the only condition precedent to the usual excise licence, shall be a certificate from the magistrates at their annual sessions, that the applicant is a fit person to hold a licence.

3d. That every person to whom such a certificate may have been granted, shall take it to the proper officer of excise, who shall thereupon make out the necessary excise licence, upon which there shall be payable a certain fixed sum in proportion to the assessment, by way of duty to the Crown.

4th. That all licences shall expire annually, and that upon their renewal, there shall be likewise payable a sum by way of duty to the Crown. The amount of such duty both upon the original grant, and upon the renewal of a licence, to be left to the wisdom of Parliament; but that the holders of all existing licences, whether for the sale of ale, spirits and wine, or beer, shall be only required to pay the sum fixed for the annual renewal of a licence.

5th. That the magistrates shall not grant their certificate to any person who has ever forfeited a beer or spirit licence; and that all licences shall be forfeited upon a third conviction of any offence, whether against the tenor of the licence, or under the provisions of any Act, local or otherwise, for the regulation of such houses.

6th. That all such licences shall become the personal property of the holder, and shall cease and determine upon death, provided that it shall be lawful for a widow or the executors

Appendix, No. 16.

tors of a deceased person, to carry on the business until the expiration of the current year of the licence; and also that it shall be lawful for the magistrates in cases, where any house during the current year of the licence may be, or about to be pulled down, under the provisions of any act for public purposes, or where any house may have been destroyed by fire, tempest, or other sudden and unavoidable calamity, and in such cases only to permit a transfer of the licence to any other house, which the applicant may select for the purposes of his trade.

7th. That the holder of every licence shall be required to reside upon the premises, so as to exercise personal superintendence over his house.

8th. That with the view of discouraging tippling in such houses, no action shall be maintainable for any debt due for liquors consumed upon the premises.

9th. That all such houses, as well as coffee-shops and temperance hotels, be open to police visitation; and that the police be empowered, at the request of the landlord, to enter such houses, and eject therefrom all persons creating disturbances therein.

10th. With reference to the concert saloons, and rooms used for singing, dancing, and public entertainments, your committee are not prepared to recommend the prohibition of such amusements in public-houses; but they are of opinion that a separate licence for keeping such rooms should be taken out by the publican, in like manner as is now required by law for persons keeping billiard rooms and bagatelle boards, and that all such rooms should be open to police inspection, and subjected to all the regulations, provisions, and penalties applicable to public houses.

In the foregoing suggestions your committee have endeavoured to grapple with some of the leading difficulties of the subject, and to eliminate a few general principles, rather than to arrange the details of legislation.

In the proposed alterations they have kept steadily in view the existing statute of the 9 Geo. 4, c. 61, under which the licences to public houses are now granted, deviating from it only in essential particulars.

They do not suggest any disturbance of what may be called the machinery of the statute, such for example as the time and mode therein prescribed of holding licensing sessions, the forms of the notice and licence, or the remedies provided by the appeal clauses.

To make unfitness of character the only disqualification for the possession of a licence, must set the trade free of some restrictions which are now imposed upon it; and whilst much good must in the opinion of a majority of your committee result from a freer competition, it is likely to be attended with a diminution in the number of public-houses. For taking into account the sum to be paid upon the original grant, and upon the renewal of every licence, a sum which, if sufficiently high, induces your committee to look forward with confidence to a reduction in the present number of licensed houses. The proposed augmentation of duty also would compensate any supposed loss that might result to the revenue from a decrease in the consumption of ale and spirits; and would insure the original profit or marketable value of a licence going into the public purse, instead of, as at present, into the pocket of the individual.

Nor must it be forgotten, in estimating the gain to public morals by the proposed change, that provision is made for the total abolition of beerhouses, and that every holder of a licence will then be made more directly amenable to magisterial and police control; nor, when the necessary condition of previous character, or the punishment for an infraction of the law by the forfeiture of the licence is considered, will there be wanting any reasonable security for permanent good conduct.

Wm. Brown, Chairman.

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BEERHOUSES:

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4. *Police Authority.*
5. *Misconduct of Beershop Keepers.*
6. *Metropolis Police District.*
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2. *Beersellers' Certificates.*
3. *Licensing Magistrates' Certificates.*

1. *Excise Licences:*

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1. *Metropolis.*
2. *Birmingham.*
3. *Brighton.*
4. *Liverpool.*
5. *Manchester.*

1. *Metropolis.*

The police have no power to enter coffee-shops in the metropolis the same as they have beerhouses and public-houses, *Sir Richard Mayne* 137–142. 160. 163. 170——Great increase of coffee-shops in the metropolis latterly; they are the scenes of great disorder and mischief in town, *ib.* 158–168. 216, 217——Most of the coffee-shops sell spirits, and some of them are brothels, *ib.* 166–169; *Wood* 436, 437; *Byng* 9186–9190——It is difficult to obtain any evidence against a coffee-shop keeper in consequence of the police not having power to enter, *Sir Richard Mayne* 220, 221——Demoralizing effect of coffee-shops upon the rising generation, *ib.* 232, 233——Return showing the number of coffee-shops in each division of the Metropolitan Police district on 2d May 1853, *ib.* 281——Description of the coffee-houses in the M division of police; evil of their keeping open after 12 o'clock at night, *Haynes* 5260–5266——Coffee-shops should be placed under the same system as public-houses now are, and licences granted to them at the discretion of the magistrates, *Tubbs* 7338, 7339. 7359–7365——Extent of the jurisdiction exercised by the police over the coffee-shops in the H division of police, *Steed* 8625–8634——Use of coffee-shops as brothels, *ib.* 8635, 8636——Nuisance of the coffee-shops in the city of London; expediency of placing them under the jurisdiction of the police, *Harvey* 9369——Number of coffee-shops in the city of London, stating the number ill conducted and well conducted, *ib.* 9395–9399. 9406, 9407.

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5. *Manchester:*

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Colonial Spirits. Statement of the number of gallons of colonial spirits consumed in decennial periods during the present century, the amount of duty paid, and the proportionate consumption of each individual in England, Scotland, Ireland, and the United Kingdom, *App. p.* 619——Statement of the yearly consumption of colonial spirits in the United Kingdom, in each year since 1841, *ib.* 620.

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Common Council. Power of the Common Council of the several wards in granting or refusing licences for public-houses in the city of London, *Harvey* 9334–9339.

Common Informers. System of levying black mail upon publicans and beershop-keepers of South Staffordshire, by a gang of common informers from Birmingham, *Roberts* 8037.

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1. *Generally.*
2. *Metropolis.*
3. *Birmingham.*
4. *Bolton.*
5. *Liverpool.*
6. *Manchester.*

1. *Generally:*

Magistrates should be empowered either to refuse or revoke the licence for a concert-room, *Rev. F. Bishop* 3980-3982——Expediency of prohibiting concerts being held at public-houses, *Beggs* 5482-5485——Observations on the demoralising effect of concert-rooms on the minds of young persons frequenting them, *Rev. J. Clay* 6380-6393——State of the law with respect to giving dramatic representations in concert-rooms, *Gray* 7653-7670——Reason of the dramatic performances given in concert-rooms being of the lowest description, *ib.* 7673. 7696-7699——Opinion that concert-rooms at public-houses have been very vexatiously interfered with, *ib.* 7690-7694——There is no more reason to be fearful of the assemblage of the sexes in concert-rooms than there would be in night chapels, *ib.* 7822——No objection to concert-rooms, provided they are kept distinct from public-houses, *Stevens* 8746, 8747.

2. *Metropolis:*

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Opinion that concert-rooms at public-houses have a tendency to demoralise the rising generation, *Spooner* 3529, 3530——Evils arising to the working classes in Birmingham from concert-rooms attached to public-houses, *Smith* 8415-8420.

4. *Bolton:*

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5. *Liverpool:*

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6. *Manchester:*

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Condition of the People. Causes that have operated in improving the habits and condition of the people, *Wire* 4969.

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Convicted Felons. Circumstance of convicted felons keeping beerhouses in Liverpool, *Gladstone* 1126–1131——Case of a beerhouse-keeper in Wolverhampton being convicted as a receiver of stolen goods and still retaining his licence, *Hogg* 6701-6706.

CONVICTIONS:

1. *Excise Prosecutions.*
2. *Metropolis.*
3. *Birmingham and South Staffordshire.*
4. *Hampshire.*
5. *Liverpool.*
6. *Manchester.*

1. *Excise Prosecutions:*

Frequency of the Excise convicting retail dealers for selling adulterated tea and pepper, *Wood* 512–514——Account of the number of convictions against publicans, in the last six years, by the Excise, *App. p.* 617——Account of the number of convictions against retailers of beer, under the Act 1 Will. 4, c. 64, and 4 & 5 Will. 4, c. 85, in the last six years, by the Excise, *ib.* 617——Account of the number of beershop-keepers convicted in the Summary Court for selling beer without licence, and of persons selling beer, &c., at fairs, *ib.*

2. *Metropolis:*

Proportion which the convictions against beerhouses in the metropolis bear to the convictions against public-houses, *Sir Richard Mayne* 117–121——Return of the number of convictions of public-houses and beershops in the metropolitan police district, and amount of the penalties recovered, *ib.* 281——Reason of so many convictions against beerhouses for selling beer to customers after hours of closing, *James Bishop* 4133–4135——The convictions against beerhouses are generally for transgressing hours, *ib.* 4152, 4153——One beershop in the M division of police has been convicted as many as five or six times within the last twelve months, *Haynes* 5206.

3. *Birmingham and South Staffordshire:*

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4. *Hampshire:*

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5. *Liverpool:*

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Coombe, Mr. Occasion of Mr. Coombe, the police magistrate, directing that the conduct of a licensed victualler should be laid before the licensing magistrates, *Haynes* 5290.

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1. *Opinions in favour of Opening the Public-house Trade:*

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